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NEW YORK HISTORICAL SOCIETY

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THE JOHN D. JONES FUND SERIES

OF

HISTORIES AND MEMOIRS.

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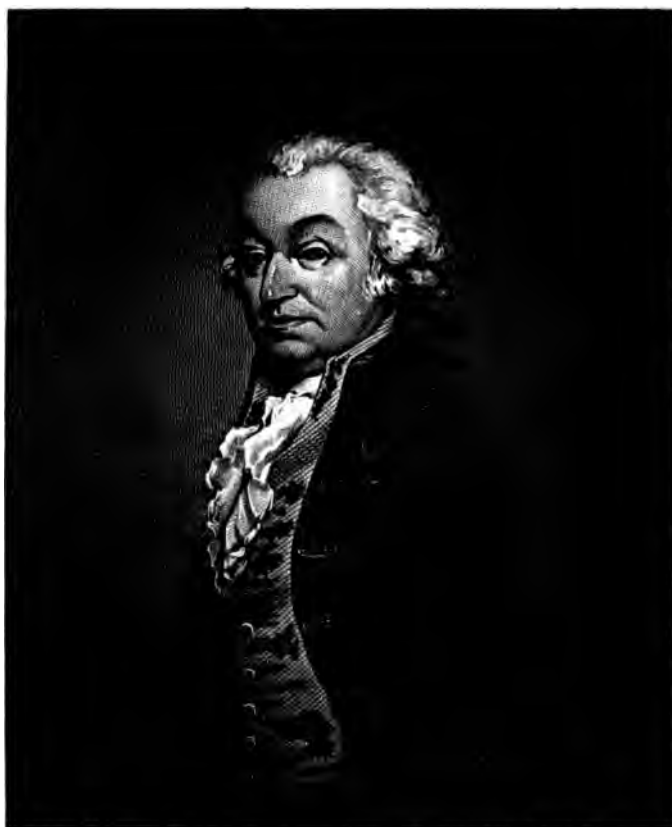


EVERT A. DUYCKINCK.

EDWARD F. DE LANCEY.

GEORGE H. MOORE, LL.D.





Painted by P. Arnold.

Engraved by Charles Burt.

*Thomas Jones*

THOMAS JONES, UTTERED BY HIS OWN VOICE  
*Justice of the Supreme Court of the Province of New York*

BORN 1730

DIED 1792

From the original portrait painted for John Peter de Lancey in 1791.

HISTORY OF NEW YORK  
DURING  
THE REVOLUTIONARY WAR,  
AND OF  
THE LEADING EVENTS IN THE OTHER COLONIES  
AT THAT PERIOD,

BY  
THOMAS JONES,  
JUSTICE OF THE SUPREME COURT OF THE PROVINCE.

EDITED BY  
EDWARD FLOYD DE LANCEY.

WITH NOTES, CONTEMPORARY DOCUMENTS, MAPS, AND PORTRAITS.

VOLUME I.

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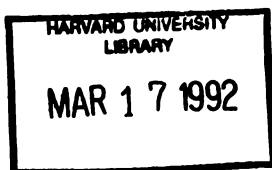


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MDCCCLXXIX.

## ADVERTISEMENT.

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"THE JOHN D. JONES FUND SERIES" has been so named by the New York Historical Society in honor of their enlightened and generous fellow-member, John Divine Jones, whose great interest in the history of his native State has led him to endow the Society with a fund of six thousand dollars for publishing works of an historical nature which may not fall within the scope of its ordinary "Publication Fund."

The object of the Series is fully set forth in the Plan and Declaration of Trust on which the Society formally accepted the gift of the Fund for its establishment. It is to print, publish, and sell, under the direction of the Publication Committee of the Society :

*First*, Such manuscript historical and biographical writings, memoirs, documents and records, private or public, official or not official, ecclesiastical or secular, civil or military, which shall relate to, or illustrate, the history of New York as a Colony or a State ; or the history of any of the Dutch, English, or French, colonies in America, and which shall have been written prior to the year 1800.

*Second*, Such historical works or documents relating to the history of New York, or that of the United States, or of either of them, which shall treat of, or relate to, events or persons, which shall have happened, or who shall have died, at least fifty years prior to the publication of the same.

*Third*, That the cost of the volumes be paid out of the Fund ; the volumes so printed to be sold under the direction of the Publication Committee ; and when the proceeds have been received, the same to be employed in the printing of other volumes, which in their turn are to be sold, and thus permanently to continue the issue of the Series.

*Fourth*, That under no circumstances shall any new volume or volumes be put to press until the proceeds of the sales of the preceding volume or volumes shall be in the possession of the Society, to an amount which shall in the judgment of the Executive Committee be equal to the cost of producing such new volume or volumes.

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## EXPLANATION OF THE ILLUSTRATIONS.

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THE Portraits of Judge and Mrs. Jones, engraved by Burt for this work, were painted by Arnold, of London, in 1791, for Mrs. Jones's brother, the late John Peter de Lancey, of Heathcote Hill, Mamaroneck, Westchester County, New York. At Mr. de Lancey's death, in 1828, his son, the late Rt. Rev. William H. de Lancey, gave the portrait of the former to the late General Thomas Floyd-Jones, his first cousin, the then owner of Fort Neck House and Estate, from whom it passed, with the old House, in which it still hangs, to his eldest son, the late Lieutenant-Governor David Richard Floyd-Jones, whose family now possess it. The date "1730" in the lettering of the plate should have been 1731. The Portrait of Mrs. Jones which descended to the editor is in his possession.

The Map of New York City is a reproduction, two-thirds the size of the original, of Lieutenant Bernard Ratzer's "Plan of the City of New York," surveyed in 1767. It is not his large map of "New York and its Environs," which has lately been republished several times, but one of the City alone, and on a larger scale. Editions of it were published in England in 1776 and 1777, dated in those years; but as they were merely copies, it was deemed best to reproduce the original for this work, which gives the localities precisely as they were at the time of the Revolution.

The Map of New York and New Jersey shows the Province of New York as it was at the time of the Revolution, with the boundaries of its original counties as they then were, the manors entitled to representatives in the Assembly, and other topographical features of historic interest. It is a reproduction, about one-third less in size, of a map now in the State Library, at Albany, which was compiled and published by Albert Lotter, a German, at Augsburg, in 1777.

## P R E F A C E .

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THE work now first given to the world in these volumes is a Loyalist history of the subject of which it treats, not an English account. Whoever takes it up with the impression that it is a British history will assuredly be mistaken.

It is a common belief that the loyal inhabitants of America, at the era of its first great Revolution, the truly loyal, those who acted from principle, were the unhesitating supporters of the British Government in its unjustifiable and tyrannic invasions of the rights and liberties of its American people.

United States writers have, naturally perhaps, so described them, while the few English historians who have treated American history, have either taken a similar view, or have ignored them altogether. The ideas of "loyalty" and "loyal men," and "rebellion" and "rebels," which have been current in the United States since the Revolutionary war, were rudely shocked, and quite changed, by the outbreak and subsequent crushing of the late civil war at the South. Americans then learned by experience for the first time, and in a way never to be forgotten, that "loyalty" was a virtue, that the supporters of "the powers that be" were worthy of honor, and that "rebels" and "rebellion" were to be put down at any cost by the strong hand. A precisely similar view did very large masses of the people of the British Colonies take when the war of the American Revolution broke out, and not till a very late period of that contest did they change that view. And when the change did come,—and it came very gradually and very slowly—it was produced quite as much, if not more, by the weak, bad, and timid policy of the British Government, and the infamous and corrupt conduct of the war by its commanders-in-chief, as by the statesmanship of the Con-

tinental Congress and the military deeds of its armies. The history of the course of the loyalists at the American Revolutionary epoch, and of their plans for relief from the British tyranny which then oppressed America, has never been written. There can be no greater error than to suppose that the loyalists as a whole were willing to submit quietly to the exactions of the mother country, and her invasions of their rights and liberties as English subjects. As Americans they felt those grievances, and were as indignant at the treatment they were subjected to, as those of their countrymen who took up arms. But they wished to fight the battle for those rights and liberties and the redress of those grievances, with the powerful weapons which the Constitution of England gave to them as to other Englishmen—weapons which had proved successful before, as they have proved successful since, in similar emergencies, freedom of speech, freedom of the pen, freedom of the press. They desired by political agitation to force the home Government to a change of policy, or to drive it from power and place in office the foes of the oppression of the colonies. Their enemy was the ministry of Lord North, not the King of England to whom they owed, and had sworn, allegiance. This object they were prevented from carrying out. Royal folly in England and demagogic fanaticism in America eagerly joined hands to crush such a constitutional settlement of the dispute, brought about a bloody civil war, and finally effected a termination of the quarrel unlooked for by either party at its commencement.

This history of the early phases of the dispute and of the conduct of the war, in New York, and of its leading events in the other colonies, depicts the origin of the difficulties in that province, the measures adopted, the events which happened, the men who took part in them, and the results which followed, on both sides; and as they were seen, and known, and noted, by an educated gentleman of the highest social and official position, who personally knew the subject thoroughly, and has not hesitated to describe it fully, and without regard, to the fear, or favor, of either side.

The Honorable Thomas Jones, of Fort Neck, Queens County, Long Island, a graduate of Yale College, Recorder of the City, and one of the Judges of the Supreme Court of the Province of New York, is the author. It was written, as appears from allusions in the text, between the years 1783 and 1788, during that dark period between the close of the Revolutionary war and the establishment of the existing form of government of the United States in 1789, which is so little known and understood at this day. A period when the wisest and the best of the men who carried through the American Revolution almost despaired of the existence of the colonies which they had contributed to make independent states; and which existence was only rendered possible by the slow and extremely unwilling adoption of the Federal Constitution framed by the Convention of 1787, an adoption, as John Quincy Adams expressed it, "extorted by the grinding necessities of a reluctant nation."

Judge Jones, whose health had become impaired, sailed from New York with his wife, his niece Miss Elizabeth Floyd, and two servants, in 1781, for a visit to Europe, his especial object being to try the efficacy of the famous warm springs of the city of Bath, then in the height of their popularity. The negotiation of the peace in 1782, which took effect the succeeding year, prevented his return, as he was one of the fifty-six gentlemen and three ladies included by name in the New York Act of Attainder, which became operative on the conclusion of peace, and by which their *lives* were *ipso facto forfeited*, and their estates confiscated; a thing never done before and never done since by any civilized people.

Judge Jones died at Hoddesdon, in Hertfordshire, England, which he had finally adopted as his residence, on the twenty-fifth of July, 1792. He appears to have employed his leisure in recording the remarkable events he had witnessed and known, and the scenes through which he had passed. The manuscript is entirely in his own hand, almost free from erasures, and from the difference in the color of the ink of a few of his notes it is evident that they, as well as a very few clauses of the text, especially the references to Chastellux



and Gordon, must have been written just after the works of those authors were published. The manuscript remained in the possession of his widow, who was Anne, third daughter of the Honorable James de Lancey, twenty-seven years Chief Justice and nearly five years Lieutenant Governor and Commander-in-Chief of New York, until her death at Hoddesdon, in 1817, when it passed into that of her niece and adopted daughter, Anne Charlotte de Lancey, the eldest child of the late John Peter de Lancey, of Mamaroneck, Westchester County, New York, the youngest brother of Mrs. Jones, whose wife was the Miss Elizabeth Floyd, the author's niece mentioned above. Miss Anne Charlotte de Lancey subsequently became the second wife of John Loudon Macadam, during the Revolution a merchant in New York, and afterwards the distinguished engineer, whose system of making roads has immortalized his name. In the year 1835 Mrs. Macadam gave the manuscript with other papers of Judge Jones to her brother, William Heathcote de Lancey, the late Bishop of Western New York, and he gave it to his eldest son, the editor, in 1858; a gift which, after the Bishop's death in April, 1865, proved to have been but the anticipation of a special bequest in his will. In the editor's possession it has since remained, and is now first printed, never having been used or read by any writer, the editor and his father having uniformly declined all applications for such purposes, and also all offers, some of them very liberal, for its purchase, believing that it should only be published as a fresh and whole work.

When Bishop de Lancey received the manuscript in 1835, children of a few parties mentioned in it were living, and, from a feeling of delicacy, he thought it should not be printed until they had passed away, although more than half a century had then elapsed since the close of the Revolution, and the author himself had lain in his grave forty-three years.

When, however, the Bishop gave it to the editor, it was given with full permission to publish it whenever and in whatever way the latter should see fit.

The active duties of life prevented the editor from giving

the necessary time to its preparation for the press as early as was desirable. He had, however, entered upon some preliminary editorial labors in 1874, with a view to publishing the history himself, when Mr. John Divine Jones, the President of the Atlantic Mutual Insurance Company of New York, and the head of that great commercial interest in America, Marine Insurance, with his characteristic thoughtfulness and liberality, conceived the design of making a permanent endowment for historical purposes in the New York Historical Society, and consulted him as to the best method of carrying it out. After Mr. Jones's plan of endowment was decided upon, the editor, desiring to aid the generous and admirable design, authorized that gentleman when he submitted it to the New York Historical Society, to offer at the same time to that body this history written by one of his own father's collateral relatives, as the first issue to be made under its terms. Mr. Jones's plan of endowment and this offer having both been cordially accepted, the work is now published by the New York Historical Society, to be sold for its own benefit under the trust endowment, the proceeds to be solely employed by the Society in printing other historical works and memoirs, which in their turn are also to be sold, and their respective proceeds also employed by the Society in the same way, thus continually providing for the printing by the Society of writings on American history which would not, perhaps, be within the scope of its ordinary publication fund.

The manner of editing adopted for the present work requires a few words of explanation. The author's text and foot-notes are given in each volume first, and by themselves. The editor's notes, illustrative, explanatory, and documentary, consecutively numbered, then follow, the paging being also consecutive. Each note has its own heading, following which will be found the numbers of the pages of the text to which it refers. This plan was adopted after full consideration, as on the whole the best and fairest, both for the reader and the author. It enables the former to read what the latter has written, without having his attention distracted by the

annotations and ideas of another mind, while it allows greater scope for notes, corrections, explanations, and illustrations, as well as greater space for such cotemporary letters, documents, and other information, as corroborate or throw light upon the subjects of the text. It also brings all such matters directly in connection with the portions of text to which they refer, thus giving them stronger effect, and also avoiding what is scarcely ever read in connection with a text,—an appendix. It has, however, this unavoidable disadvantage, that no reference to the editorial notes can be given at the foot of the pages of the text to which they relate, the reader when struck with any statement, is therefore compelled to turn to the end of the volume for any editorial note there may be. This has been remedied as far as practicable by placing at the foot of the contents of each chapter in the "Table of Contents" of the Text, the numbers of the editor's notes to such chapter; by prefixing to the "Editor's Notes" in each volume a separate table of their contents; and by a very full index to the entire work as a whole. For much advice and information, and for great care in preparing the index to this work, the editor is indebted to the skill of one whose great labors in the field of American history, and especially in that of this State, have laid all historical students and writers under obligations to him, which can never be repaid,—Dr. Edmund B. O'Callaghan, who has been well and justly styled, "*the Archivist of New York.*"

For the division into chapters, the editor is responsible, the manuscript being without headings or divisions, except the ordinary spaces between paragraphs. This has not been an easy task, and has caused diversity in the length of the chapters. Unity of subject has been regarded as far as possible in all cases. But in some instances a purely arbitrary division has been necessary to avoid chapters of too great length.

The text has been given with merely the correction of a few redundancies, colloquialisms, and such obvious errors of the pen as occur in all unprinted writings.

The author was a man of very strong, honest, and decided

character, with a keen perception of injustice, and a horror of all laxity of principle and chicane; slow in forming his opinions, and as firm in holding as he was clear and fearless in expressing them. Had he prepared his own work for the press, he might have modified the vigor, force, terseness, and occasional indignation, of some of his expressions, but the editor has not deemed it his duty to do so, except in the particulars above mentioned. It would have been unfair to both author and reader. The former wrote what he saw fit, and the reader is entitled to know what he did write, not what the editor might think he ought to have written. The author's opinions, those of a man of education, character, and the highest social and official position, personally acquainted with the men and events whom he knew and which he witnessed, must, of course, go for what they are worth. But the facts he gives, so many of which are new, speak for themselves, and must and will have their effect, be it what it may.

It must also be remembered that a century has passed since the events, the acts, the scenes, and the persons he describes, occurred and existed; that the leading persons mentioned are in a greater or less degree historical characters, and as such, by their words and deeds, must be judged, and will be judged, by posterity, without regard to private, party, or family views.

For the editor to have adopted any other course than he has done in this matter, would not only have destroyed the value and interest, and injured the authority, of Judge Jones's work, but have deprived the public of a view of the events and men of the American Revolution, on both sides, which it has never before had, and which it is not likely it will ever have again.

Some obviously erroneous statements of the particulars of a few incidents, none of them of great importance, have been left unchanged, which would have been corrected in the text, had not the editor decided to let them remain, to show by comparison how generally correct the author's statements are.

This Preface cannot be concluded without the editor's sincere thanks for the kind assistance in his labors (which have

taken all the time possible to be spared from professional avocations for upwards of three years), that has been extended to him by all from whom he has sought information, many of whom it is impossible for want of space to mention here. Much that is new and which has never before been printed will be found scattered through his notes. Especially are his thanks due for the use of valuable family manuscripts, to Mr. William Floyd-Jones, of Massapequa, Queens County, Long Island, and to Admiral Melancthon Smith, U.S.N.; to Mrs. Oliver H. Hubbard, the granddaughter of both Governor Trumbull and Gen. Silliman, for the examination and the use of the latter's private papers; to the Hon. Benjamin D. Silliman, of Brooklyn, for valuable information of which he was the sole depository, and for his great zeal and labor in obtaining information from other sources; to Mr. John Russell Bartlett, the learned and courteous librarian of the Carter-Brown Library at Providence, for Stedman's History of the American War, with Sir Henry Clinton's manuscript notes, an extraordinary and unique source of authentic information, kindly sent to the editor in this city for use in this work; to Mr. Samuel P. Bell, of New York, and to Mr. Samuel J. McCormick, of Pelham, for the Peters manuscripts that have cleared up the mystery of the capture of Mount Washington, and thrown entirely new light on the campaign of Burgoyne. Brief statements of the new facts on these two subjects, made by the editor at two meetings of the New York Historical Society, have already caused them to be mentioned by writers—in one case without acknowledgment—but they were already in type in this work when he first called to them the attention of that Society. The invaluable collection of manuscripts and early printed broadsides of the New York Historical Society, and the family papers of the editor, have afforded great and important information. To the gentlemen officially connected with the New York State Library at Albany, and with the Historical Societies of Pennsylvania, Massachusetts, Connecticut, Buffalo, and the New England Historic-Genealogical Society, the especial thanks of the editor are due for the promptness and kindness with which

they have made examinations, and answered all inquiries ; to Mr. Charles B. Moore, Mr. Henry B. Dawson, Mr. H. K. Averill, Jr., and Mr. Henry T. Drowne, the editor is indebted for information and suggestions of great assistance, as well as to his lamented friend, and brother-member of the Publication Committee of the New York Historical Society, the late Evert A. Duyckinck. Mr. John Austin Stevens, the Librarian of the New York Historical Society, has given willing and courteous assistance ; and the extensive information of Mr. William Kelby, of that Society, upon the details of New York City history, and his ready aid in the library of the Society, have been often called upon, and cannot be too fully acknowledged. To his friend, Mr. George H. Moore, LL.D., the editor cannot too deeply express his thanks for the full historical knowledge ever at his service, and the unvarying courtesy and ability which he has shown in carrying out all the details incident to the publication of these volumes.

EDWARD FLOYD DE LANCEY.

NEW YORK, December, 1878.



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# INTRODUCTION

AND

## MEMOIR OF THE AUTHOR.

---

NEW YORK was the foremost of the European colonies in America in establishing, asserting, and maintaining the true principles of civil liberty and religious toleration—principles and toleration brought with them from Holland by her Dutch founders, and maintained zealously during the entire Dutch rule, and that too sometimes against the arbitrary acts of her own chief officers. The principles laid down in the grand preamble to the immortal declaration of the States General of the United Provinces, of the 26th of July, 1581, deposing the King of Spain from the sovereignty of the Low Countries—"the grandest state paper of that age," as it has been well called—were the principles planted in New York by the same people, nearly thirty years later, long before the feet of any "Pilgrims" had pressed the soil of New England. And when the English succeeded the Dutch, they wisely made no attempt to change the Dutch polity, except as to the allegiance of the people of New Netherland. The great Bill of Rights enacted by the legislative authority of New York on October 30th, 1683—the "Charter of Liberties and Privileges" of New York—laid down the self-same principles of political liberty and political rights, the violation of which by Great Britain and her King, resulted in the acknowledged independence of America just a century later, in 1783. This Charter of Liberties, assented to by the Duke of York, anticipated the Bill of Rights of Massachusetts eight years, and

that of England herself five years. When that prince succeeded to the throne of England, a few years later, and his proprietary right was merged in that of the crown, he attempted to do away with the "Charter of Liberties," and the province was at once thrown into those political contests and controversies which, increased by the neglect of this colony and the others in America by William the Third, who was wholly absorbed in European questions, lasted in one form or other throughout the English rule. The principles of the Charter of Liberties and Privileges were successfully maintained during that rule by the party which was generally in power, and were also embodied in the three powerful papers, the "*Petition to the King*," the "*Memorial to the House of Lords*," and the "*Representation and Remonstrance to the House of Commons*," which the Loyal New York Assembly of 1775 sent to the Sovereign and Parliament of Great Britain, which now are hardly known to modern American writers, and which, by more than a year, anticipated in strong language the principles of the Declaration of Independence. In no one of the Colonies was true civil liberty so successfully maintained as in New York during her entire colonial existence.

It is strange, but true, that from the period of the English revolution to that of the attempted establishment of the supremacy of the British Parliament in America, in 1764-65, the history of New York has not yet been written. Historians of the United States have dismissed it with but slight mention and without vouchsafing reasons. It is as instructive politically, as it is interesting, very varied in character, and often heroic in incident.

When, at the close of the French war, the movement to bind America in all cases whatever by acts of the British Parliament began, the author of this history was in the prime of life. He witnessed its commencement, its progress, and its final result as it affected New York; and he has given us the account, observations, and comments of an eye-witness of acute intelligence, who was in a position official and social to know perfectly the events he was describing, and the parties and per-

sons who took part therein on all sides, rather than a formal history, in the ordinary meaning of the term. Solely for his opinions and views he was a personal sufferer, even to imprisonment, confiscation, banishment, and forfeiture of his life if he returned to his native land; and he died and was buried in exile. Naturally, therefore, he has sometimes spoken strongly; and he would have been more than man had he not done so. Yet strongly as he sometimes speaks of the Whig leaders, and especially of certain Whig trimmers of the Revolutionary era, he speaks still more strongly of the leaders and commanders on his own side, whose falsity, corruption, double-facedness, and timidity, he describes and exposes. He favors neither side, and he has given us an account of each, which, though occasionally too pointed for good taste in its language, is nevertheless racy, clear, consistent, and in the main correct. Whatever his views and statements, regarding both friends and foes, no fair-minded person can read his work without being convinced of the honesty of the author's belief in what he has written.


His work is the only contemporary history of New York, in the American Revolution, by one who was living there at the time, and is hence as unique as it is valuable. He was, also, in virtue of his judicial office, and his dwelling within the British lines, and his being for ten months altogether a prisoner in Connecticut, a participator in some of the scenes he describes, and therefore his evidence as to the facts is important. "Contemporary memoirs by persons who make as well as write history," says that learned statesman, the late Sir George Cornwall Lewis, Bart., "may sometimes be apologies for the conduct of the author; sometimes they may be warped by the bias of the party to which he belonged; yet they have this great merit, that where they err, it is not through ignorance of the facts; and that the author was able, if he was willing, to state the events as they really happened."

"What book have you got hold of, William?" was the question Chief-Justice John Jay put to a young kinsman whom he had known from birth, on finding him one morning, in his library at Bedford intently reading. "Botta's



History of the American Revolution," was the reply. "The History of the American Revolution! Well! Botta's is the last, and perhaps the best; but let me tell you, William," pointing his forefinger at the latter with a significant gesture, and emphasizing the adjective and the adverb, "the *true* history of the American Revolution can *never* be written." Surprised at so strong a remark, his auditor naturally desired to know the reasons; but the venerable man slowly shaking his head declined to give them, saying, "You must be content to know that the fact is as I have said, and that a great many people in those days were not at all what they seemed, nor what they are generally believed to have been." The "William" to whom the Chief-Justice said this, and who told it to the writer, was the latter's own father, William Heathcote de Lancey, then a young clergyman, and subsequently the first Bishop of Western New York, who at the time, with his wife, a granddaughter of Mrs. Munro—Eve Jay—the Chief-Justice's sister, was making their venerable relative a visit at Bedford. The conversation took place in 1821, eight years before the death of the Chief-Justice. It was therefore a clear statement, made without excitement, in the calm evening of his life, under his own roof, and to his own connection, by the very man who, next to Washington, knew most thoroughly the facts and the men of the Revolutionary era.

The impulse given to the search for the truth in regard to the American Revolution, of late years, by the printing of the archives of so many of the thirteen colonies by their present State governments (the foremost of all in the good work being New York), and of some of those of the United States Government; by the publication of the private papers of John Adams, Jefferson, Madison, Franklin, and others of the leaders on the American side; by the elaborate lives and correspondence of many of the prominent statesmen and generals of the Revolutionary era, both American and English; by the collections of the older Historical Societies; by the publication of the private letters and papers of private persons living during the war, which are now continually appearing,



tends to show that in the future a history of the American Revolution may be written much truer than Chief-Justice Jay could have imagined when he made the striking asseveration above stated. When that history is undertaken, its author will find the present work not the least valuable of the materials for his purpose. And when to existing materials shall be added a publication of the papers and correspondence of John Jay himself, in full, similar to that of the works of John Adams, and the printing of the papers of two or three more of the statesmen and generals of the revolution still in existence, he will have greater advantages than have been possessed by any other historian dead or living.

The author of this history, Judge Thomas Jones, was born on the 30th of April, 1731, in his father's house, at Fort Neck, South Oyster Bay, in the County of Queens and Province of New York. He was the eldest son and third child of Judge David Jones, twenty-one years a member of the Assembly of New York, the last thirteen of which he was its Speaker, and then for fifteen years more, until his resignation on account of the infirmities of age, a judge of the Supreme Court of the Province. His mother was Anna Willet, second daughter of Colonel William Willet, of Willet's Point, Westchester County, New York, a great grandson of that Colonel Thomas Willet who came from Leyden to Plymouth in 1632, was prominent in the affairs of that colony, accompanied Sir Richard Nicolls to New Amsterdam at that commander's request when he wrested New Netherland from the Dutch in 1664, and was the first mayor of the city of New York.

Thomas Jones, of Fort Neck, the father of Judge David Jones, grandfather of Judge Thomas Jones, the first of his race in America, and ancestor of the large and distinguished family of Jones and Floyd-Jones of Queens County, New York, was a Protestant gentleman of Strabane, in the County of Tyrone and Province of Ulster, in Ireland, about 150 miles northwest from Dublin, where he was born about the year 1665. His family, which was from England, but originally of Welsh extraction, had been long seated in the north

of Ireland. Taking part in the civil war of the period he was present at the battles of the Boyne, in 1690, of Aghrim, in 1691, and at the siege and capitulation of Limerick on the 3d of October, in the latter year, which ended forever the Stuart power. Many of the Protestant gentry of Ireland thought that the rights of the British crown should not be forfeited because of the religion or the political errors of the wearer of that crown for the time being, and hence took up arms in its defence.

In 1692 Thomas Jones was at the island of Jamaica at the time of the destruction of Port Royal by the great earthquake of the seventh of July, being engaged in one of the numerous expeditions under letters of marque, which in that year swarmed from the French ports to take part in the then war, and in which so many of the English and Irish officers of James II. sought service. In the same year, however, he came to Rhode Island and gave up a sea life. Not long after his arrival he there married Freelove Townsend, daughter of Thomas Townsend of Oyster Bay, New York, and of Warwick, Rhode Island, who was born December 29th, 1674. This Thomas Townsend was the second son of John Townsend, the elder of the Quaker brothers of that name who came to New Amsterdam early in the seventeenth century, from Norwich, in Norfolk, England, and were the ancestors of the present large and well-known New York family bearing their name. Involved in difficulties with the Dutch officials on account of his Quakerism, John Townsend retired to Rhode Island, where he had lands, but subsequently returned to Oyster Bay, and died there in 1668. His wife was Elizabeth Montgomery, and their second son was the Thomas Townsend above named, whose daughter was the wife of Thomas Jones. In 1688 Thomas Townsend bought of the Massapequa Indians a piece of land at South Oyster Bay, which he afterwards gave "unto Thomas Jones of Oyster Bay, my son-in-law, and to Freelove his wife, my daughter," as he describes them in 1695. This was a small tract at the confluence of the Massapequa River with the Great South Bay, nearly opposite the opening of the latter into the Ocean, known as "Jones's

Inlet," and to it Mr. Jones added, by purchases from the Indians and from the neighboring owners, until he finally acquired an estate of about six thousand acres. The largest part of it was called from the two Indian fortifications upon it, the larger of which still exists, "Fort Neck," and the smaller part, west of the Massapequa, "West Neck," while to the east of Fort Neck is a third Neck, still called by the Indian name of "Umpqua." On the left bank of the Massapequa, not far from where the stream is now crossed by the public road, Mr. Jones erected in 1696 the first house built of bricks so far east upon Long Island, and from its material called from that time till it was taken down, one hundred and forty years afterwards, by one of his great-grandsons, "The Brick House." It was a large, heavy building of two stories, with a wing on one side, had a high roof, windows in its gables, and walls of great thickness, which were panelled inside with wood. The beams were cased and moulded in the style of that day in England. Here he dwelt during the remainder of his life.

On March 2, 1699, by a deed under seal he was admitted an associate freeholder under the original patent of Oyster Bay, granted by Governor Andros, September 29, 1677. This deed, executed by Josias Latting, Senior, and Mr. Jones's father-in-law, Thomas Townsend, recites that at its date, except themselves, none of the other patentees were "left alive." Lord Cornbury, the Governor of New York, commissioned him Captain of Militia in Queens County, October 20, 1702. Two years later, on October 14, 1704, he was appointed High-Sheriff of Queens, and on April 3, 1706, was made Major of the Queens County Regiment. Hence the title of "Major" Thomas Jones, by which he has always been designated. Governor Hunter appointed him "Ranger-General of the Island of Nassau," then the legal name of Long Island. The commission dated September 4, 1710, bears Hunter's seal of arms, is countersigned by Secretary George Clarke, is in perfect preservation, and authorizes him to perform the duties either personally or by deputy in each county in the Island. "Rangers-General" were sworn officers

of the Crown, to whom were granted by the sovereign, or his representative, the "Royal rights" or franchises, of waifs, estrays, hunting, royal fish, treasure trove, mines, deodands, forfeitures, and the like. This office gave Major Jones the monopoly of the whale and other fisheries from the shores of Long Island, which for very many years were very lucrative. The limits of his jurisdiction were from Little Neck Bay on the north, around the coast of the whole island, to Jamaica Bay on the south ; and over all ungranted lands within its limits.

Major Jones died on the 13th of December, 1713, and was buried on a slight elevation, near the smaller of the old Indian fortifications above alluded to, on the left bank of the Maspapequa. Beside him lies his wife, who died in July, 1726. His tombstone, still in perfect preservation, made of the hard red sandstone of Rhode Island, bears the following quaint inscription, written by himself; the wish in the last lines of which has certainly been fulfilled in a very remarkable manner, as this memoir will show.

"Here Lyes Interred The Body of  
Major Thomas Jones, who came from  
Strabane, in the Kingdom of Ireland,  
Settled here, and Died, December, 1713.  
From distant Lands to this Wild Waste he came,  
This Seat he chose, and here he fix'd his Name.  
Long May his Sons this Peaceful Spot Injoy,  
And no Ill Fate his Offspring here Annoy."

He had by his wife, who survived him (and who married for her second husband Major Timothy Bagley, a retired British officer, by whom she had no issue), three sons. 1. David Jones, of Fort Neck, the eldest, born in 1699, the father of the subject of this memoir; 2. Thomas, commissioned Major of the Queens County Regiment, August 23, 1734, who was accidentally drowned in the Sound, November 13, 1741, a bachelor; and, 3. William, of West Neck, the youngest, born April 28, 1708, and died 29th August, 1779, who married Phœbe, daughter of Colonel John Jackson, by whom he had a large family.

Judge David Jones, eldest son of Major Thomas Jones, was born the 16th of September, 1699, and at the time of his father's death was only fourteen years old. Thenceforward his education was directed by his mother, who was a woman of great intelligence and ability, to whom, by a special clause in his will, Major Thomas Jones committed the entire management of his estates, as well as the education of their children. She was baptized in 1702 by the famous George Keith; and the Rev. John Thomas, who was sent by the Society for the Propagation of the Gospel in Foreign Parts, as its missionary to Hempstead in 1704, was named as a co-executor with Mrs. Jones by Major Jones in his will, and was probably the instructor of her eldest son. His father devised to him and his heirs the Fort Neck estate; to his other two sons equally, the West Neck property and his other real estate at Hempstead, and at North Oyster Bay; and bequeathed his personal estate to his wife and daughters.

David Jones became a successful lawyer, and was in 1734 appointed Judge of Queens County, and in 1737 was elected from that county to the Assembly of New York, in which he represented it during the next twenty-one years. Clear-headed, cool, prompt, and decided, he took a leading part in that body, was chosen Speaker on June 25, 1745, and was regularly re-elected to that office until November 1, 1758, when he was appointed the Fourth Justice of the Supreme Court of New York, by Lieutenant-Governor de Lancey, and was sworn in on the 7th of the following December. He was made Third Justice by Lieutenant-Governor Colden, March 31, 1762, and Second Justice by Governor Moncton, March 16, 1763. He was an able judge and a thorough jurist, and popular with both the bar and the public. He served ten years after his last appointment, when feeling the infirmities of age, he resigned in the autumn of 1773, and was succeeded on the bench by his son, Judge Thomas Jones, who at the time was Recorder of the City of New York, thus happily closing a judicial career of fifteen years, and a public service of thirty-nine. He retired to his estate at Fort Neck, and three years later died there on the 11th of October, 1775, aged seventy-

six years and fourteen days. He possessed the clearness of mind and incisiveness of character which is so marked a characteristic of his race ; never hesitated in doing anything he believed to be right, regardless of the consequences ; and always commanded the confidence of the public throughout his long career. An incident of his legislative life well illustrates his decided character. While he was Speaker, a certain bill was under discussion and about to be passed, which was not acceptable to the Governor, who suddenly came down to the House to prorogue the Assembly, and thus effect its defeat. Informed of his approach, and divining his object, Speaker Jones instantly ordered the doors to be closed, and kept closed, till he ordered them to be opened. The bill was at once passed, and not till then was his Excellency admitted.

Judge David Jones married Anna Willet, November 22, 1724, who died January 31, 1750, at the age of forty-six. They had issue, six children :

1. Anna, born May 11, 1724, who married John Gale, a lawyer and surrogate of Orange County, New York.

2. Sarah, born February 12, 1728, and died the April following.

3. Thomas, born April 20, 1731, the subject of this memoir.

4. Arabella, born December 7, 1735, who married Colonel Richard Floyd, fourth of the name, of Mastic, Suffolk County, Long Island.

5. David, born May 9, 1737, who died a bachelor, September 9, 1758, at "the Oneida Carrying Place," now Rome, New York, on his return from the taking of Fort Frontenac, by Colonel Bradstreet, in whose expedition he was a Lieutenant.

6. Mary, who married her cousin, Thomas, one of the sons of her uncle, William.

Judge David Jones married secondly, Margaret, widow of John Tredwell, by whom he had no issue.

Thomas Jones, the eldest son and third child of his father,

after receiving the best education of the day, entered Yale College at New Haven, then under President Thomas Clap, in the year 1746, at the age of fifteen, and graduated Bachelor of Arts four years afterwards, in 1750. The leading tutors at that time, under whose instruction he was, were Ezra Stiles, Timothy Pitkin, and James A. Hillhouse, all so well known in later days. Among his fellow-students were Governors Oliver Wolcott of Connecticut, and Lyman Hall of Georgia, Col. Benjamin Tallmadge, Chief-justice Richard Morris, and John C. Cuyler of New York, Bishop Seabury, the Rev. Dr. Ogilvie, of Trinity Church, President Daggett, Samuel Hopkins, Joseph Platt Cooke, Judge Richard Law, Roswell and Gurdon Saltonstall, Richard Woodhull, Moss Kent, the Rev. Abraham Keteltas, and Gen. Gold Selleck Silliman, in retaliation for whom, twenty-nine years afterward, in 1779 he was captured and kept a prisoner in Connecticut, and finally exchanged in the spring of 1780.

His legal studies were probably begun under his father. He was, however, it is believed, entered as a clerk in the office of the Honorable Joseph Murray, from 1744 to his death in 1758, one of the twelve Councillors of the Province by Royal Mandamus, and one of the most able lawyers and esteemed men of that day. He was a gentleman of great urbanity and cultivation, and dying a bachelor bequeathed his large and fine library to King's College, by his will, of which he appointed Mr. Jones an executor.

Mr. Jones was "licensed as an attorney," as it was then called, on the 4th of April, 1755, and began practice in the city of New York. Two years later, on February 8th, 1757, he was appointed Clerk of the Courts of the County of Queens. His practice became large, as some of his books still in existence show. For many years while at the bar he was the attorney of the Governors of King's College, one of whom he was, and of the corporation of the City of New York. His warrant, as the latter, is under the seal of the city, signed by Whitehead Hicks, Mayor, and bears date the 18th of December, 1771.

At the death of Mr. Simon Johnson, who had been for



twenty-two years Recorder of the City of New York, Mr. Thomas Jones was appointed to that office by Lieutenant Governor Colden on the 19th of November, 1769, and was sworn in on the twenty-third of the same month. This was his first judicial appointment. On October 8th, 1771, he was reappointed to the same office by Governor Tryon "during pleasure," the tenure of the commission having apparently been modified at that period. He was succeeded as Recorder October 13th, 1773, by Robert R. Livingston, Jr., afterwards the Chancellor, who resigned the next spring, when John Watts, Jr., a first cousin of Judge Jones's wife, was, on April 14th, 1774, appointed, and filled the office till the end of the British rule. After the Revolution, in 1789, Samuel Jones, a first cousin of Judge Jones, was appointed to this office, and filled it till 1797, when he was succeeded by James Kent, afterwards the great Chancellor. Upon the resignation of his father, Judge David Jones, as above mentioned in 1773, Governor Tryon appointed his son Thomas Jones to the vacant seat on the bench of the Supreme Court of the Province. The commission bears date September 29th, 1773, and he was sworn in before the governor on the fourth of the following October. This high station he continued to fill till the close of the Revolutionary War. The original commissions of Major Thomas Jones of Fort Neck, and those of the two judges, his son and grandson, are among the Jones family papers in the possession of Mr. William Floyd-Jones of Massapequa, the next youngest brother of the late Lieutenant-Governor David Richard Floyd-Jones, to whom they had descended, and from them the dates in this memoir are taken.

Judge Thomas Jones was married on December 9, 1762, to Anne, third daughter of James de Lancey, Chief Justice and Lieutenant-Governor of New York, and his wife Anne, eldest daughter of the Honorable Caleb Heathcote. The record of this marriage is in the volume entitled, "Register of Marriages for the Parish of Trinity Church in the City of New York, commencing the 30th of November in the year of our Lord Christ, 1746," in the possession of that parish. In 1763

James de Lancey, the younger, eldest son of the Lieutenant-Governor who had died three years before intestate, gave to his sister, Mrs. Jones, about two acres of land on the highest part of his estate between the Bowery and the East River, "adjoining to the road which leads from the Bowery Lane to Corlaers Hook," as the deed expresses it. Upon this fine site, still, though graded down very much, the highest point of that part of the city, which then commanded a magnificent prospect, extending on the east beyond Hellgate, on the west over the city and the bay to the shores of Staten Island and New Jersey, and on the south over the East River and the heights of Long Island, Judge Jones erected, in 1765, a large double house of wood, and surrounded it with gardens. This place, from his great admiration of the character and the political principles of the great Commoner who became Earl of Chatham, he called "Mount Pitt," a name still partially preserved in that of Pitt Street, which runs through a part of the old property of Judge Jones. This was his town house, and he was so much attached to it that after his father built the stately seat at Fort Neck, of which a view is given in the second volume of this work, in 1770, he made it a condition of the devise of the Fort Neck estate to his son, that he should reside there at least three months in every year. This height is distinguished on all the maps of the city as either "Mount Pitt" or "Jones's Hill." When in the summer of 1776 General Charles Lee first threw up fortifications around New York, he fixed on this point as the site of a large redoubt, which was called Jones's Hill Fort. The house which stood to the south and east of it remained till the close of the last century, when it was moved to one of the streets cut through the property, and some time after taken down entirely. The fortifications of New York were removed two or three times. The British entirely demolished all Lee's works when they took possession of New York, and replaced them with others of their own. These in turn were destroyed by order of Sir Henry Clinton, and the last ones erected by his orders are these shown on the only map of the fortifications of New

York in existence, that made by Hill in 1782, which are unfortunately often but erroneously supposed to be the American works of 1776, and have even been reproduced as such very recently.

Prior to the Revolution, the Supreme Court Judges travelled the circuits into which the province was divided, precisely as was done by the Judges in England. The sheriffs were expected to meet them on their coming to the different county towns, and it was the etiquette of the day that they should not lodge at the same houses as the lawyers. When they held court they sat in gowns and bands. The Colony Courts continued in full performance of their duties until the Declaration of Independence in July, 1776. Judge Jones, whose social position and official duties had made him familiar with all parts of the Province and the leading men of all parties and shades of opinion, held the last courts in New York under the crown, for unlike some of his brethren, he shrank not from the duties of his office when the political skies grew dark. The last courts under the king were held for Tryon County, at Johnstown, in October, 1775, for Westchester County at White Plains, in November, 1775, and at the same place for the same county, in April, 1776, the account of the last of which he describes in his history. One of its incidents was his discharging from custody several persons arrested for their loyal sentiments by the "committee" of Westchester, as having been guiltless of any crime against the law of the land. This he tells us was afterwards given as a reason for putting his name in the Act of attainder, and confiscating his estate.

On the 27th of June, 1776, Judge Jones was arrested at his house at Fort Neck, by an armed party, by order of a Committee of the New York Provincial Congress, upon a charge of refusing to obey a summons of said Committee, issued on the 14th of that month, to show cause before them on the 25th, why he "should be considered a friend of the American Cause." He was brought to New York, and discharged on the 30th by Gouverneur Morris, the only one of

the Committee (of nine) who attended, upon his parole "to appear at such time and place as a Committee of the Congress of this Colony shall upon reasonable notice to him given, or left at his usual place of abode, direct." On the 11th of the succeeding August, prior to the battle of Brooklyn, while quietly at home under this parole, he was without previous notice seized by a body of riflemen, carried to New York, and arraigned the next day, the 12th, before a board of officers, who told him the parole was of no effect, that it had been voided by a resolution of the Provincial Congress, passed that very day, and the next day sent him to Connecticut with several other gentlemen, as a prisoner to the American Army. These "prisoners" were the persons in office, and gentlemen of position of New York, whom Washington on the 13th of August, 1776, ordered to be sent away and kept out of New York till after the approaching battle was decided. The Connecticut authorities—Governor Trumbull and his Council of Safety—though no charge but "disaffection" was made against them, kept them, nevertheless, till the following December, when the prospects of American success being very dark indeed, they liberated them by a resolution of December 7th, upon their signing a parole which was set forth in the resolution. This parole was signed by Judge Jones and fourteen other gentlemen on the 9th, and they at once returned to New York. It was in these words: "We do hereby severally and respectively promise and engage to the Governor of the State of Connecticut, on the faith and honor of gentlemen, that we will neither of us give notice or intelligence to the enemy of the United States of America, nor hold any inimical correspondence with them; that we will not take up nor bear arms against the United States of America, nor act an offensive part against them or either of them, but to conduct peaceably and quietly with respect to the present contest and troubles, and return back to this State when required by the Governor."

Judge Jones went home to Fort Neck, and resided there under this parole, and was living there under it, when on the

night of the 6th of November, 1779, three years to a month afterward, his house was suddenly broken open, he himself forcibly seized as a prisoner in the presence of his family and his guests, the premises robbed of everything that could be taken, and he and the booty carried fifty miles through the woods to the North shore of the Island, and over the Sound in whale boats to Newfield, now Bridgeport, in Connecticut. The party were three nights in crossing Long Island, through woods and swamps, marching only by night, and hiding themselves and their captives in the woods by day, as they dared not go by the highways. It was a capture deliberately made by the people of Fairfield to seize him as a person of sufficient position and rank, as they had failed to capture any military officers, to offer in exchange for General Silliman, who six months before, on the 2d of the preceding May, had been captured in his own house at Fairfield, by a party of Connecticut refugees, who had crossed from Long Island for the purpose, taken over to Oyster Bay North, and thence sent a prisoner to New York. The two gentlemen were old friends, had been fellow-collegians nearly thirty years before at Yale, and neither had any personal connection with the seizure of the other; nor did their mutual misfortunes at all affect their personal regard. In fact, after Silliman was taken, Judge Jones visited him while a prisoner at Flatbush, the summer before he was himself captured. Owing to the difference of views between the Generals and Governors on each side, both gentlemen were kept prisoners all the winter of 1779-1780, and not until the end of April, 1780, was their exchange effected. It accidentally, and very oddly, happened, that the Judge and the General were sent in sloops from New York and Fairfield, on the same day. The vessels met in the Sound off City Island, each under a flag of truce, and finding, on hailing each other, who were on board, they ran into the channel between City Island and Hart Island and anchored; and after the two gentlemen had dined together on a fat turkey and some other good things, which Mrs. Silliman had fortunately sent on board for her husband, and had thoroughly talked over matters, they exchanged

sloops, and each went on to his destination. Full particulars of his three arrests and his paroles, and the extraordinary conflict as to his status by the action of the Connecticut authorities are given in his work, and are as curious as they are interesting.

While a prisoner in Connecticut, Judge Jones had been injured by being thrown out of a sleigh, and his general health had likewise materially suffered. Not recovering as rapidly as he expected, he determined, in the winter of 1780-81, to go in the spring with his wife and niece to England for a year, especially to try the effect of the famous hot springs of Bath, then supposed to be almost a specific for rheumatic affections. In March, 1781, he sold at auction all his cattle and farm-stock, left his two houses in charge of servants and agents, and in June sailed for Southampton with his wife, his niece, Elizabeth Floyd, and two servants. Going to Europe in those days and in a time of war, was not the easy matter it is now. They had to sail in one of a fleet of merchantmen convoyed by men-of-war. The following extract of a letter from a female friend in the city, a daughter of the Attorney-General John Tabor Kempe, to Mrs. Richard Floyd, at Mastic, the Judge's sister, gives some particulars of their embarkation, which will interest modern readers :

“ Dear Madam,—

“ Miss Floyd desired I would write to you to let you know when the Fleet sailed. I rose early this morning to tell you, that Mr. Willet (*Isaac Willet, a cousin of Judge Jones*) who went down to the ship with your Brother and his family, returned last night; he left them some miles without the Hook. They are as agreeably situated as they can possibly be, they have a fine large ship and the captain is a very clever man. The Fleet has six large ships to convoy them, so that there is no fear of their being taken by the enemy. The ships went down to the Hook last Sunday, and your Brother and his family went on Tuesday, and sail'd on Thursday; so that they had time to put their things in order. . . . The white woman that was to have gone with Mrs. Jones disappointed

her. They have a black woman of Mrs. Kennedy's and Hannibal. I don't think they will want the other woman. . . .

CATHARINE KEMPE.

"New York, June 15, 1781."

The "Mrs. Kennedy" who came to Mrs. Jones's aid in the emergency mentioned in this letter, was her first cousin, Anne Watts, wife of Archibald Kennedy, who succeeded as 11th Earl of Cassilis, and whose son Archibald, created Marquis of Ailsa in 1806, was the grandfather of the present peer.

Another incident of their departure was the presentation to Mrs. Jones and Miss Floyd, of a long poetical tribute by Dr. Benjamin Moore, subsequently the second Bishop of New York, lamenting their departure, in which he thus alludes to the capture of the Judge :

"By the rude storms of faction blown,  
Enough of dangers you have known.  
Witness the hour when rebel bands,  
A husband seized with ruthless hands,  
And dragg'd to vile captivity,  
From comfort far, and far from thee.  
No pity touched the hardened train,  
Affection prayed and prayed in vain ; "

and after describing Miss Floyd's escape at the burning of General de Lancey's house at Bloomingdale by the Americans in 1777, in which she was a guest at the time, concludes :

"May gentle gales soft murmuring sweep  
The bosom of the peaceful deep,  
And waft you to the destined shore,  
Your every fear and danger o'er ;  
Safe from the hosts of France and Spain,  
And base rebellion's galling chain."

They arrived safely after a quiet voyage. Seven months later, under date of February 2d, 1782, the Judge thus writes to his sister, Mrs. Floyd : "The Bath waters have been of great service to me and am in hopes will perfectly restore me. I am now so well as to make nothing of walking a mile or two

without stopping. I have a little lameness still which I am in hopes the continuance of the bath and the use of the waters will certainly carry off. . . . I shall return as soon as affairs in America will permit with safety, and I hope that it may be in the course of the next summer."

In December of the same year, he writes: "We have great talk of peace; if it takes place and proper stipulations are made for the Loyalists (which I suppose will be the case) I shall return to America in the course of next summer." He alludes here to the New York Act of Attainder, which, unlike any other Act of the kind ever passed anywhere, *ipso facto* forfeited the lives of all the persons named in it, one of whom he was, besides confiscating their estates. In another letter of the 3d of February, 1783, after the peace was settled, he says to his sister: "I am perfectly recovered in my health, and as for my lameness it is so far gone that scarce one in fifty observes that I limp a little, which I am in hopes will go off entirely in a little time. Peace is now made with France, Spain, and America. The latter has got her Independence, some people like the peace in this country but the greatest part disapprove it. If the Act of Attainder and confiscation passed by the Legislature of New York is repealed (which we are told Congress has promised shall be done) I shall return to America as soon as I receive authentic intelligence of such an event having taken place, but not before, as I will not run the risk of being hanged while I can keep my neck out of the halter. What is done in this affair will be known over here before May next, and I shall then take my measures accordingly." As the article of the treaty in favor of the loyalists was not only not carried out but absolutely nullified in New York by further hostile legislation against them, Judge Jones could not carry out his intentions, and passed the remainder of his life in England. He continued to dwell at Bath for about two years longer, but finally made his residence at Hoddesdon, in the parish of Broxbourne, in Hertfordshire, a pleasant village on the Great North Road, in a pretty pastoral country, near the towns of Hertford and Ware, overlooking the wide valley through which




runs the river Lea, an affluent of the Thames, and about seventeen miles from London.

Judge David Jones, by his will, entailed the Fort Neck estate in tail male upon his only son, Judge Thomas Jones and his heirs, with contingent remainders over, in default of such issue, to his daughters Arrabella, Mary, and Anna, successively, in the order named, for their respective lives and to their issue in such order respectively, also in tail male. These daughters were likewise directly provided for out of his other property.

Judge Thomas Jones never had any issue. His sister Arrabella, the first named in the entail, married on the 26th of September, 1758, Colonel Richard Floyd, fourth of the name, of Mastic, the head of that old Long Island family and possessor of its largest estate in Suffolk County, by whom she had three children: one son, David Richard Floyd, and two daughters, Elizabeth Floyd, the niece who, as before mentioned, accompanied her uncle and aunt to England, and Anne Willet Floyd. The former subsequently married, on the 28th of September, 1785, John Peter de Lancey, the youngest brother of Judge Thomas Jones's wife, and the latter became the wife of Samuel Benjamin Nicoll, of Shelter Island, May 6, 1784. David Richard Floyd, the only son of Arrabella, born November 14, 1764, therefore took the Fort Neck estate with his mother's assent and that of his uncle, Judge Thomas Jones, when the latter became civilly dead by reason of the Act of Attainder which became operative in consequence of the peace.

Another provision of Judge David Jones in his will, was a condition that the male issue of any of his daughters, who might succeed to the Fort Neck estate, should take and use, in addition to their own, the name of Jones as a surname. Therefore, David Richard Floyd, on succeeding to the estate, became *David Richard Floyd-Jones*. This is the origin of the unusual double surname borne by this branch of the family now become numerous. Subsequently, on March 14th, 1788, a special Act of the Legislature of New York was passed confirming the change of name.




The children of David Richard Floyd-Jones, who enjoyed the estate during his life, and who married Sarah, daughter of Hendrick Onderdonk, September 20, 1785, were two sons, the late General Thomas Floyd-Jones, who succeeded to the estate on his father's death, February the 10th, 1820, and the late Major-General Henry Floyd-Jones, who sat for Queens County in the Assembly in 1829 and 1830, and was for four years, from 1836 to 1840, Senator from the old First Senate District, comprising Long Island, Staten Island, and the City of New York. The elder of these two brothers enjoyed the estate during his whole life, and was its last possessor under the entail created by his great-grandfather. At his death the estate was divided among his four children, three sons and a daughter, the eldest of whom, David Richard Floyd-Jones, who received Fort Neck House, was a lawyer, member of the Assembly for the city, and successively State Senator, Secretary of State, and Lieutenant-Governor of New York, and whose death, on the 8th of January, 1871, at the comparatively early age of fifty-eight, was as great a loss to the State, the public, and the Church of which he was a devoted son, as it was to his own family. His next brother, who early retired from a successful mercantile career, and who succeeded him in the councils of the Church on Long Island, is the present William Floyd-Jones of Massapequa. And his youngest brother, Elbert Floyd-Jones, after serving in the Assembly for Queens County, in 1845, has been again called to represent his native county for the last two years, and is now, in this year 1878, its present representative.

Such has been the striking career of Judge David Jones's branch, the elder, of this old and noted family. That of the younger, the branch of William Jones of West Neck, his brother, the youngest of the sons of the first Thomas Jones, is also most remarkable. He himself held no public office, and was compelled to devote himself to the management of his estate, from having to maintain and bring up the large family of sixteen children. How well he succeeded is shown by the facts, that fourteen of them, nine sons and five daughters, lived to grow up and have children; that his sons

were all successful men, and many of them distinguished in public life ; and that the daughters all married into well-known Long Island families.

Samuel Jones, the second son, born 26th of July, 1734, and died November 21, 1819, was the distinguished jurist so long known as "The father of the New York Bar," to which he was admitted before the Revolution from the office of William Smith, subsequently to the war Chief-Justice of Canada. He was a loyalist in his principles, and continued within the British lines during the Revolutionary War, but took no active part. With his brothers David and William he signed in October, 1776, the address to Sir William and Lord Howe for the restoration of civil law in New York, in which city he remained during the war, as appears by his letters to John Pintard in the New York Historical Society's collections. How eminent a lawyer he then was is proved by the fact that on July 6th, 1782, Robert R. Livingston, afterward the Chancellor, wrote to him, though then in New York, for his opinion on the will of his great-grandfather, saying in the manuscript letter still preserved : "A communication so remote from politicks as the one in question will meet with no interruption from the different sides of the lines on which we are placed," and suggesting that it be forwarded to him (in Philadelphia) "by delivering to your Commissioner of Prisoners." After the peace he continued in New York, and in 1789 was appointed Recorder, the same office that his cousin, Judge Thomas Jones, had been appointed to in 1769. He was chosen, and became a leading member of the Convention of New York in 1789, which adopted the Constitution of the United States. He was likewise Member of Assembly for Queens County, from 1786 to 1790, and a Senator for the Southern District from 1791 to 1799. He drew the law establishing the Comptroller's office of the State of New York at the request of his personal friend, Governor Jay, in 1796, and when it was enacted in 1797 was appointed the first Comptroller, organized the office as it exists at this day, and presided over it for the succeeding three years. In connection with Richard Varick he made the first revision



of the statutes under the State government, and was the leader of the bar till he retired at an advanced age. His son of the same name was the extraordinary man who died in August, 1853, at the age of eighty-six, who, after having been Member of the Assembly for several years in early life, was successively Chancellor, Judge of the Superior Court, Judge of the Supreme Court, and Judge of the Court of Appeals, and after serving out his entire term in the latter tribunal actually returned to the bar and practised with great success to the day of his death. He too left a son, a third Samuel, who is the present Judge Samuel Jones, the expiration of whose term of service as Judge of the Superior Court of the City of New York, under the present unfortunate elective system, has but recently occurred. The youngest son of the first Samuel and brother of the Chancellor was the late David S. Jones, so long a brilliant member of the New York Bar and a judge of his native County of Queens. Major William Jones, of Cold Spring, another son of the first Samuel, like so many of his race, represented Queens County in the Assembly, succeeding his brother, the Chancellor, in 1816, and sitting continuously till 1822. And his son Samuel, W., a lawyer, who married a daughter of Judge James Duane, of Schenectady, was the Mayor of that city, and Surrogate, and then first Judge of the county of that name.

John Jones, of Cold Spring Harbor, North Oyster Bay, another son of William, the youngest son of Major Thomas Jones, of Fort Neck, who married Hannah Hewlett, was the father of a family as distinguished for their success in commercial pursuits as that of his brother Samuel was in those of law and politics. He and his sons, William H., John H., and Walter R. Jones, established and carried on at that place extensive and successful woollen manufactories and flouring mills, and the three sons, also, when the whaling business flourished, had a fleet of eight ships of their own sailing from that port. Later, Walter R. Jones founded, organized, and was the head for the rest of his life of that most successful institution, the Atlantic Mutual Insurance Company of New York, the head, with its millions of capital, of that great com-

mercial interest in America, Marine Insurance. And at his death, a bachelor, he was succeeded in its control and management by his nephew, John D. Jones, a son of his brother, John H. Jones, under whom it has now become the largest and wealthiest institution of its kind on the continent. Still further, two other sons of John of Cold Spring, Joshua and Charles H., were successful merchants, and his grandson, Oliver H. Jones, lately deceased, a son of William H., died the President of one of the largest Fire Insurance Companies of New York, leaving a large estate.

William Jones, of Oyster Bay, another son of William, of West Neck, first cousin of Judge Thomas Jones, the author of this history, was likewise a prominent man in Queens County. He had two sons, Townsend and Samuel, who both died without issue. The latter, by his will in 1836, left to the towns of Oyster Bay and Hempstead a sum of \$30,000 as an endowment for the support of the poor, the benefit of which those towns still enjoy.

Each branch of this family at this day still possesses and dwells upon lands that belonged to their first ancestor in America at the close of the seventeenth century, notwithstanding the changes and divisions, and the portions that have been sold, during so many generations. Its male line only has been mentioned; were it possible here to speak of the female, the same marked characteristics of natural ability, success, and note in life, would appear in many instances to have been transmitted into its affiliated families.

Such is an outline of the history of the author's family, the Joneses and Floyd-Joneses of Queens County, Long Island, a history of striking interest, and one which it is believed cannot be paralleled in America for continuous natural ability and continuous public life, steadily maintained from its first ancestor in America to this hour; and that, too, united always with high social eminence, and an equally continuous, and continuing, success in all the walks of private life. Thirty years ago the late James Fenimore Cooper, whose wife sprang from this family in the female line, said, in referring to it in a public letter in 1848: "The Jones family has now fur-

nished legislators and jurists to the colony and the State for more than a century." And from his day to ours it has still continued to do so. It is the only family, it is believed, not only in New York, but in America, which under the British and the American governments has from the beginning of its existence in America, from generation to generation, continuously preserved and maintained its prominence in political life and high public position. In New York and two or three other of the old colonies, a few families—but a very few—have done so, either under the one rule or the other, but except in this instance not one of them under both.

Judge Thomas Jones had the distinguishing characteristics of his race, penetration, judgment, independence, resolution, clearness of intellect, strength of memory, coolness, determination in action, and high honor, united with a temperament sanguine and choleric, great fearlessness, and a disposition extremely social and hospitable. He was in his family very kind, in matters of business and in the performance of his duties very exact; was very polite in manner, dignified in bearing, and naturally commanded respect. His legal papers and documents, and his letters on business that have been preserved, are models of perspicuity, precision, and brevity, united with perfect completeness. His will is an example, and is in these few words: "I Thomas Jones late of the Province of New York in North America, do make this my last will as follows,—I give and devise unto my wife, Anne Jones, and to her heirs and assigns forever my whole real and personal estate, in which I include whatever shall be owed me by government as a compensation for my losses in America. I appoint my said wife executrix of this my will. I hereby revoke all former wills. In witness whereof I have hereunto set my hand and seal this ninth day of December, 1785—Thomas Jones." This, with the attestation clause and the three witnesses' names, is all.

The letters to his youthful nephew mark prominent traits in his character. In one of May 11th, 1786, he says: "My love to you, my dear David. Behave with caution and prudence, and let me beg of you by your conduct never to

disgrace the families of your two Grandfathers. Always remember one was first in Queens, the other in Suffolk." Another of March 27th, 1787, shows his views of the true men on the opposite side in the revolution: "Consult your Father-in-law in everything,"—Hendrick Onderdonk, the most influential whig in Queens County, whom he styles in his history "an arrant rebel."—"He was a friend of your Grandfathers, he was a friend to all our family, he was a friend of mine, and tho' he and I differed in politicks during the last war I know him to be an honest man."

Judge and Mrs. Jones, as stated above, never had any children. They adopted as their daughter the eldest child of Mr. and Mrs. John Peter de Lancey, the former of whom was the youngest brother of Mrs. Jones, and the latter, the eldest daughter of Judge Jones' sister, Mrs. Richard Floyd. This adopted daughter, Anne Charlotte de Lancey, subsequently became the second wife of the distinguished engineer John Loudon McAdam, whose system of making roads has immortalized his name; a loyalist and a New York merchant, until he left America, and whose first wife, the mother of all his children, was Glorianna Nicoll of Suffolk County, a first cousin of the mother of his second wife. To this adopted daughter, Mrs. Jones, who survived her husband twenty-five years, and died at Hoddesdon, December 1, 1817, in the seventy-second year of her age, bequeathed all her property, including all the papers and manuscripts of Judge Jones. The husband of Mrs. McAdam died during one of his annual visits to his native Scotland, on November 26th, 1836, and is buried in the churchyard of the church of the Established Church of Scotland, at Moffatt, in Dumfries-shire; she herself died at Hoddesdon, May 29th, 1852, and is buried beside the parents who adopted her, in Broxbourne Church, and with her passed away all who were directly connected with Judge Jones in England. She gave to her brother, the late Bishop de Lancey, the manuscript of this history as stated in the preface, and subsequently to her nephew, the editor, all the other papers and books of Judge Jones, that his widow had preserved and committed to her care. His letters to

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his sister and nephew, Mrs. Floyd, and her son David Richard Floyd-Jones, are in the possession of the latter's grandson William Floyd-Jones of Massapequa, and those of Judge and Mrs. Jones to Mr. and Mrs. John Peter de Lancey have descended to the editor. From all of these the materials for this memoir have been drawn.

Judge Jones's real estate not entailed, which was very large, was of course confiscated, and so too were all the debts due and owing to him, including bonds and mortgages. Some of his debtors honestly paid their debts and interest to him, through his agent in New York ; others took advantage of the opportunity, and neither paid him nor the State. His real estate lay in several different counties. Besides Fort Neck, Mount Pitt in New York and some few city lots, he had extensive lands in Westchester, Orange, Ulster, and Tryon Counties, besides some on Long Island not belonging to the entailed estate. His compensation from the British Government, like that of the other loyalists, bore but a small proportion to the proven values, notwithstanding the contrary opinion that has obtained on this subject. All that Judge Jones received was five thousand four hundred and forty-seven pounds sterling, about twenty-seven thousand dollars. His entire income in England was derived from the investment of this sum, and what he received from America as above stated, which was comparatively little.

Judge Jones died somewhat suddenly after a short illness in his own house at Hoddesdon, on the 25th of July, 1792. The last of his letters, dated on the 4th of the same month, not only does not refer to his health, but mentions his plans for the next autumn. He was buried beneath the pavement of the south aisle of Broxbourne Parish Church, one of the oldest in Hertfordshire, an ancient Gothic edifice which stands on a slight elevation on the right bank of the river Lea, and which until their dissolution in England belonged to the famed order of the Knights Templars, and subsequently to the Knights Hospitallers of St. John of Jerusalem. A slab in the pavement (lately covered over in the recent restoration of the interior of the church), bears his name, and near it is



placed a handsome mural monument of marble bearing the following inscription, written by his widow, whose own monument, and another to Mr. and Mrs. McAdam, are placed near that of her husband :

NEAR THIS PLACE

Lyes interred the body of

THOMAS JONES, ESQ.,

*Late one of his Majesty's Judges of the Supreme Court for the Province of New York in North America,*

Who having suffered great hardships and great personal injuries during the troubles in America, for his firm attachment to the British Constitution, and loyalty to his present Majesty, under whom he held different civil commissions, came to England for the recovery of his health ; and being by an Act of Attainder passed in the State of New York, deprived of his large property and prevented returning to his native country, settled at Hoddesdon in this parish, and having by the polite and friendly attentions of its inhabitants found it a most desirable residence,

*He died there July 25th, 1792,*

AGED 61 YEARS.

His widow, from tender respect to his memory, erected this monument to an affectionate and most indulgent husband, a sincere friend, a kind master, a benevolent member of society, and a loyal subject.

“ By Strangers Honoured,  
And by Strangers Mourned.”

Thus ended, in a distant land, the life and career of Judge Thomas Jones. His correspondence shows that though his English domicile was a pleasant one and he enjoyed it much, still it was only an exile's home. Once he had a scheme of going to the Bahama Islands and engaging in cotton planting, but he soon gave it up and ever after contented himself with his Hertfordshire dwelling-place. Communicating with his relatives and friends in America was one of his greatest plea-

tures, and the letters on both sides which have been preserved give a lively account of the political affairs and social matters of the time in each country. To his native land his eyes always turned with affection, and his heart ever beat true. He died, as he had lived, an American and a son of New York.

His warm and strong words to his kindred still remain to show how gladly, had it been possible, he would have come back to his loved home across the sea, and spent his last days beneath the bright skies, and in the pure air of his own Long Island. That Long Island, which he little thought, when its last blue line faded from his sight as his vessel sailed away, he should never see again. But so it was to be. Sad does it seem, that high principle, honesty of belief, freedom of opinion, fealty to lawful government, and loyalty to conscience and the oaths he had sworn to maintain, should have condemned an honoured American, unheard, to banishment and an exile's grave.

Sad, yet strange and striking, too, is the fact, that that American, instead of sleeping with his fathers by those fair shores where the deep roar of the surges of ocean sounds ever their eternal requiem, should lie in the heart of a foreign land beneath the marble pavement and under the vaulted roof of an ancient fane of the haughty Templars. The same sun, however, which at morn through sculptured mullions and glowing panes lights up in tinted splendor the sacred vault of the old church of the warrior monks, and falls gently on the exile's tomb, at eve illumines in greater radiance, and deeper colours, and more splendid hues, a far grander vault, and tinges with its reflected glories the pure waters beneath it which surround the green graves where his fathers slumber.







# HISTORY OF NEW YORK.

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## CHAPTER I.

IN the year 1752 New York was in its happiest state. We had no foreign or domestic enemy. Great Britain was at peace with all the world. The Colony was extending its trade, encouraging the arts and sciences, and cultivating its lands. Its inhabitants were daily increasing in riches, in wealth and opulence. They were at the same time laborious, industrious and frugal, lived in the most hospitable manner, though with great economy. Luxury was unknown in the province. George Clinton, Esq.,<sup>1</sup> was then our Governor, and though for many years prior to this period, great animosities, disputes, and parties, had subsisted and been warmly litigated between the Governor, the Council, and General Assembly, which had in a great measure pervaded, distracted and inflamed the whole Colony; yet at this happy time all discord had ceased; parties were forgotten and animosities forgiven. The disposition, the conduct, and behaviour of the people in general, bespoke harmony, concord, mutual love, and reciprocal affection. The several religious denominations of

<sup>1</sup>An Admiral in the British service, a near relation to the Duke of Newcastle, as well as to the Earl of Lincoln.

Christians, consisting of Episcopalians of the established Church of England, those of the Dutch upon the foundation of, and dependant upon, the Classis of Amsterdam, the Presbyterians, Moravians, Seceders, Lutherans, German Calvinists, those of the French Reformed Church, the people called Quakers, and even the very Jews, all lived in perfect peace and harmony, enjoying the company and conversation of each other, and upon all occasions returning mutual acts of friendship, of kindness and affection. This, if I may be allowed the expression, was the *Golden Age* of New York.

Of all these several denominations of Christians, the Church of England was the most extensive, of the most influence, and greatest opulence. To this Church the Governor, the Lieutenant-Governor, most of his Majesty's Council, many members of the General Assembly, all the officers of Government, with a numerous train of rich and affluent merchants, and landholders, belonged. The Dutch Reformed Protestant Church was next in rank, for its riches, its influence, and from the number of its wealthy, opulent, and reputable citizens. The Presbyterians were the next in consequence; the congregation in general consisted of people of the middle rank, but at the same time there belonged to it some rich, wealthy, sensible men; among these were William Smith, Esq., a gentleman of the law, Peter Van Brugh Livingston, Esq., brother to the lord of the manor of that name, and Mr. David Van Horne; the two latter were gentlemen of fortune and family, of large and extensive trade as merchants, of good characters and fair reputations. But of the three Smith was looked upon as the head, the leader, and the support of the meeting. His father, originally a tallow chandler from

Newport-Pagnel, in England, came into the province about the year 1715<sup>1</sup> and brought with him three sons, all young; the father's religion was that of the New England sectaries: his principles of government totally republican. The sons were educated at Yale College, at New Haven, in Connecticut; then, and still, a nursery of sedition, of faction, and republicanism. The second brother took orders as a dissenting preacher; the youngest turned farmer. William, the oldest, who was steady in his father's religion, as well as in his principles of Government, was apprenticed to a gentleman of the law, and after serving the usual clerkship, commenced, attorney, and practised in the provinces of New York and New Jersey, with great reputation as a most fluent speaker, with less as to his knowledge of the law, and with very little as to either honor or integrity. He died in 1769, and left a numerous issue, the males of which all took active and conspicuous parts in the late unhappy commotions in America. Of this more particularly hereafter. We must also mention, as belonging to the Presbyterian Congregation, William Livingston, Esq., brother to the aforesaid Peter Van Brugh Livingston, William Smith, Jun., and John Morin Scott, three young gentlemen then lately called to the bar as practitioners of the law. Of this young triumvirate, then first verging upon the stage of life, William Livingston bore the character of a sensible, cunning, shrewd fellow; well versed in the law, though a very indifferent speaker; of an ill-natured, morose, sullen disposition; satirical and abusive in his writings; violent

<sup>1</sup> Many others came at the same time; the defeats of the rebel army in that year by the loyalists in North Britain occasioned an amazing emigration of the friends of the Pretender.



in his conversation ; a bigot in religion ; wanton, cruel, and unfeeling in his temper ; ungenerous in his sentiments ; uncouth in his manners ; impatient of contradiction ; and of a savage persecuting spirit. Smith was considered as an artful, close, designing man, with a good share of understanding, and well read in the law ; a fluent, easy speaker, with an unbounded deal of ambition, hypocrisy, and craft ; a most profound dissembler ; enjoyed a smooth, glib, oily tongue, with a steady, demure, puritanical countenance ; a noted flatterer, a great sycophant, and a person who could without the least compunction abandon his word, his honor, his religion, or his friendship, to carry a favorite point, to serve a particular purpose, or to gratify his pride, his avarice, or his ambition. John Morin Scott was (at first) of a very different cast ; he was honest, open, and generous, a good lawyer, a fluent speaker, was candid in his profession, just and fair in his dealings, had honor and integrity, was caressed and esteemed by his acquaintances, possessed a jovial, hearty, free and engaging disposition, loved company and was a boon companion. Had he followed his own good sense, instead of becoming the dupe of the two former, or had he continued in his native religion<sup>1</sup> instead of changing it for that of his two presbyterian friends and companions, he might have been a very useful member of society, and gone through life with the estimation, good will and friendship of his fellow citizens ; but being extremely warm in his disposition, and foolishly engaging himself in all the politics of the republican faction with the violence and acrimony of a madman, he rendered himself despicable in the estima-

<sup>1</sup> He was brought up and educated by his parents in the French Reformed Church, of which they were members and communicants.

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tion of all moderate men, and to every friend to order and good Government.<sup>1</sup>

These three young gentlemen were educated at Yale College, in Connecticut, a college remarkable for its persecuting spirit, its republican principles, its intolerance in religion and its utter aversion to Bishops and all Earthly Kings. They all served regular clerkships to the law, in the same office, at the same time, and under the direction, wings, and guidance, of William Smith the elder; were all at this time presbyterians by profession, and republicans in principle; being all of the law, nearly of an age, and linked together in friendship, in principles, in politics, and religion, they formed themselves into a triumvirate, and determined, if possible, to pull down Church and State, to raise their own Government and religion upon its ruins, or to throw the whole province into anarchy and confusion. How far they succeeded, the following sheets will show.

In prosecution of this noble, godly, and pious resolution, a club was formed early in the year 1752 under the appellation of the Whig Club, and held once a week at the Kings Arms. Of this Club the aforesaid William Livingston, William Smith, and John Morin Scott, were the leading members. It also

<sup>1</sup> He died in 1784; upon a formation of a constitution for the State of New York in consequence of an order of Congress, he was appointed Secretary of the State, he held the Office to the time of his death, his son succeeded him. He took an active part against Great Britain from the very commencement of the American troubles till the end of the war, not so much out of principle as out of pique; having failed in three attempts to attain a seat in the Assembly, and his opponents being all steady, warm Loyalists he took the part of rebellion in order to wreak his vengeance upon those who opposed him in his elections; he was the framer of the New York Act of Attainder, and in it included every person of character and property whose political sentiments differed from his own; he served for some time as a General in the New York Militia, never signalized himself in action but was a most violent persecutor of the Loyalists.

consisted of the aforesaid Peter Van Brugh Livingston and David Van Horne, William Alexander, Robert R. Livingston, William Peartree Smith, Doctor John Jones, and several others, most of whom afterwards engaged, and took active parts, in the late unnatural, unprovoked, American rebellion; or were the promoters, the advisers and counsellors in every step taken prior to, and for a long time after, its actual commencement. At this club the usual and customary toasts drank were, "*the immortal memory,*" "*of Oliver Cromwell,*" "*of John Hampden,*" "*of Hugh Peters,*" "*of General Ludlow,*" and others of the most celebrated and distinguished actors in the grand English rebellion in the unhappy days of the unfortunate Charles the first.

In this club matters were settled, plans laid, schemes devised, and resolutions formed, for carrying the grand project into execution, of pulling down the Church, ruining the constitution, or heaving the whole province into confusion. Everything being now agreed upon, fixed and settled, the proper plans formed and digested, their batteries opened with the publication of a weekly political paper under the appellation of the "*Independent Reflector,*" and shortly after with another under that of the "*Watch Tower.*" The siege thus begun, the assailants carried it on with a rancor, a malevolence, and an acrimony, not to be equalled but by the descendants of those presbyterian and republican fanatics, whose ancestors had in the preceding century brought their Sovereign to the block, subverted the best constitution in the world, and upon its ruins erected presbyterianism, republicanism, and hypocrisy. In these publications the established Church was abused, Monarchy derided, Episcopacy reprobated, and republicanism held up, as the best existing form of

government in the known world. The Episcopal Church was taxed with an intolerant persecuting spirit, while that of the American Presbyterians and English Dissenters was pronounced the only meek, chaste, and unpersecuting one in the British dominions. These publications produced answers, a paper war was the consequence, and persons of all degrees, of all denominations, of all religions, and almost of all ages, joining either the one side or the other, the Colony, in a short time, from a state of happiness, became a scene of confusion, of uproar, and disorder, thanks to the triumvirate Livingston, Scott, and Smith, and to them only.

An act of the Governor, the Council and General Assembly of the province, which had passed in 1693, during the administration of Col. Fletcher, the second Governor of the province after the revolution, or abdication of James the second, entitled, "An Act for Settling a Ministry and Raising a Maintenance for them in the City of New York, County of Richmond, Westchester, and Queen's County," by virtue of which act Episcopal Ministers were settled in those counties, and their salaries (mere trifles) raised agreeably to the act by a tax upon the inhabitants of every denomination, resident within the Counties aforesaid, was by these dissenting republican partisans declared arbitrary and unjust, obtained by fraud and deception, illegal in itself, and had been wrongly construed; that it was intended for the settlement of Protestant Ministers of every denomination as a majority of the inhabitants should agree upon, and by no means intended as a monopoly in favor of the Episcopalians. At all events they insisted the act was never intended to tax dissenters for the main-

tenance of Episcopal Ministers—that the payment therefore ought to be resisted, that the law would justify and maintain such resistance. This doctrine occasioned several law suits, in which the triumvirate always appeared as advocates for the dissenters, but the Church always prevailing, the dissenters grew tired of the controversies, and gave up the dispute, having severely felt the effects of tedious, long, and expensive law suits, in which they got nothing; their advisers the triumvirate a great deal.

✕ In the reign of Queen Anne, a very valuable tract of land in the vicinity of New York, had been granted by letters patent under the great seal of the province to “The Rector and inhabitants of the City of New York in Communion with the Church of England as by law established,”—the style of the Church Incorporation. This grant the writers of these periodical papers affirmed, was obtained by fraud, a deception upon the Crown, and of course void; that in obtaining this grant the Church had been guilty of some of those pious frauds of which she had in all ages been remarkably notorious. Publications containing such reflections as these were industriously dispersed throughout the province, charging the Episcopal Church also with having obtained the letters patent through its influence, its interest, and its opulence. They went still further, and at length declared the title was in a private person; that the lands had been granted in the time of the Dutch; that all titles granted by them were confirmed to the grantees by the Articles of Capitulation upon which the Colony was surrendered to the English; that a descendant from the original grantee was then living; and charged the Church with a robbery in taking possession of the lands, and of dishonesty in

holding them against the legal owner, who they now pointed out by name,<sup>1</sup> and buoying him up with the hopes of recovering a large and valuable estate, prevailed upon him to bring an ejectment, and try his title. Smith the elder was his Attorney, and the triumvirate, Livingston, Smith Jun., and Scott, appeared upon the trial as Counsel for the plaintiff.

While this suit was depending, every art that cunning chicanery and falsehood could invent was made use of in the public papers, in private companies, in coffee houses, and in taverns, by the plaintiff, his supporters, advisers, and demagogues, to prejudice the defendants' title, and to favor the old dormant one, which they had prevailed upon the poor ignorant plaintiff to prosecute; intending by such sinister, underhanded, unjustifiable, and illegal, means, to influence the jury whenever the cause should come to a trial.

In October term 1760 the action was tried by a special jury struck for the purpose, in the presence of the parties, and their Counsel, before one of the Judges of the Supreme Court. The jury consisted of persons of credit, of fortune, and family, principally belonging to the Church of Holland. The trial lasted for two days and almost two nights. The titles on both sides were fully canvassed, and the jury after a sensible and judicious charge from the judge,<sup>2</sup> and a recess of about half an hour, returned with a verdict in favor of the defendants, to the great disappointment of the plaintiff, his counsel, his friends and advisers. The expense of the suit proved the ruin of the claimant;

<sup>1</sup> One Cornelius Brower, a poor, stupid, ignorant, illiterate Dutchman.

<sup>2</sup> David Jones, Esq., of Fort Neck in Queens County on Long Island, who was specially directed to try this very cause, all the other judges at that time being members of the Church Corporation, and consequently interested in the event of the suit.

and though he had been prevailed upon by the advice of the triumvirate to prosecute the suit, yet the full costs were exacted, and the payment compelled, without the abatement of a farthing. Though Livingston appeared as Counsel for the plaintiff in this cause, he was playing his own game; Brower was the cat-spaw, Brower bore the brunt of the action, Brower was to pay all the expense, of which Livingston was to have his share; notwithstanding which, had Brower prevailed, obtained a verdict, and ousted the Church, the Livingston family would have been the gainers, they being, through the female line, the immediate descendants of Anneke Bogardus the original Dutch patentee under the States of Holland, under whom the claim was pretended and set up. This the triumvirate all well knew, but of this poor Brower was totally ignorant. This anecdote fully elucidates the honor, the virtue, the candor, and the honesty of the triumvirate, and their dearest connections, the family of the Livingstons.

In the year 1754, a charter passed the seals establishing a college in the City of New York, in which a clause was inserted, directing "that the president of the College should for ever be, and remain, a member of, and in communion with, the Church of England, as by law established." This was done, as well in consideration of a tract of more than ten acres of land within the suburbs of the City, given by the Church to and for the use of the College, as in consideration of 1800*l.*, given by a member of the Church,<sup>1</sup> as a gratuity to the seminary, and towards its promotion and establishment; as also because every other Col-

<sup>1</sup> Edward Antill, Esq., then one of his Majesty's Council for the province of New Jersey.

lege then upon the Continent of America (a trifling one in Virginia excepted<sup>1</sup>) was under the immediate direction, influence and management of the presbyterians or other dissenters; and in this, the only guard claimed by the Church, in consideration of their large donations, and granted by the Charter, was the proviso of the President being always "a member of, and in communion with the Church of England." The Governors of the College named in the Charter, consisted of the first men of figure and character of every denomination of Christians in the province, and the senior ministers of the Dutch Church, the Presbyterian Meeting, and Lutheran Church, equally with the Rector of the Episcopal Church, were of the number. Free liberty was granted for persons of every religious society to fill the several employments immediately under the president, as tutors, professors, etc.; and to the students to attend any place of public worship their parents, friends or guardians should think proper; their attendance at Morning and Evening prayers in the College was the only thing required by the charter. A more liberal institution could hardly exist. Nothing could be more reasonable than the claim of the Church. Could any of the other religious denominations desire more indulgence than was granted them by this charter? Yet, reasonable as it was; liberal, just, and equitable as it was; erected upon a foundation the most generous, and the least liable to exception of any one institution at that time upon the continent; an institution under the greatest obligations to the Church and the members of its communion; the Church having by charter only the exclusive right of its president, was, by all moderate men, looked upon

<sup>1</sup> William and Mary, at Williamsburgh, the Capital of the Colony.



as nothing more than a real piece of justice. Notwithstanding which, the triumvirate with their demagogues, their adherents and partisans, were determined, if possible, to have the charter surrendered, and the proviso altered, or to ruin the institution in its infancy. They accordingly had recourse to their usual arts, and the press soon groaned under the weight of their malevolent productions. Scandalous inflammatory libels were published and dispersed into all parts of the colony, in which the grant of the charter was reprobated in the strongest terms, the Church vilified, and the Governor and Council abused. Had a new government, tyrannical, arbitrary, and despotic, been erected, the popish religion established, the presbyterians burned at the stake and the Episcopalians their persecutors, more noise could not have been made, than was now excited about this charter; nor could more pains have been taken to subvert such a government, than were taken by these republicans to reach the charter, to get the obnoxious clause altered, or to crush the seminary in its bud. The Governor<sup>1</sup> was abused for passing the charter; his Majesty's Council<sup>2</sup> were vilified for advising it; and the Church, the damnable Church, that persecuting "whore of Babylon," it was insisted, had, in exclusion to all other denominations, wickedly and artfully obtained the *cursed* exclusive clause, and was endeavoring to increase her wealth, her power, and influence, at the expense of the public, and to the injury and oppression of all the other religious sects in the province.

<sup>1</sup> James De Lancey, Esq., then Lieut. Gov. and Commander in Chief of the Colony.

<sup>2</sup> Of the Council at this time, the principal leaders were Archibald Kennedy, Joseph Murray, John Rutherford, John Chambers, Daniel Horsmanden, Edward Holland, all sensible, honest, worthy men, of opulent fortunes, unblemished characters and fair reputations.

Petitions, addresses, and remonstrances, were presented to the Governor, the Council, and General Assembly, and anonymous publications, malevolent, violent, and replete with every kind of abuse, daily appeared in consequence of the proviso in the College charter. In obtaining these petitions, addresses, and remonstrances, the triumvirate, with other factious, republican sectaries, publicly appeared, and openly solicited subscribers. The whole province was put into a ferment, meetings in all the towns and districts were called, inflammatory speeches in such meetings made; the Counties were canvassed, the presbyterian pulpits thundered sedition, and every engine was set at work to gain petitioners, addressers, and remonstrants, under the direction of the republican faction, of which William Livingston, William Smith, Jun., and John Morin Scott now publicly took the lead. Anonymous letters were written and sent to the General Assembly as a body, to many of the leading members personally, and particularly to the speaker,<sup>1</sup> who was supposed to have more influence in the house than any other member. These letters were said to come from Quaker Congregations, and were written in their style; from Presbyterian Meetings, from Congregationalists, from Anabaptists, Moravians, Seceders, Independents, and Separatists; they were all published in the public papers, and industriously spread about the province. At length letters appeared from the Scotch inhabitants, and the Germans settled in different parts of the Colony, couched in broken English, and addressed to the General Assembly, or

<sup>1</sup> David Jones, Esq., who then, and for many years before and after, represented Queens County upon Long Island; and though an Episcopalian himself, the greatest part of his constituents consisted of Presbyterians, and Quakers.

to some of its members of influence. While no evidence could be produced of the writers of these anonymous publications, Hugh Gaine, the printer of a weekly paper at that time in New York, received a letter inclosing a petition to the Assembly against the Charter granted to the College, and said to be from, and signed by order of, all his Majesty's loyal subjects in the Colony, emigrants from the Kingdom of Ireland, or their immediate descendants, and desiring its publication. This petition in order to give it the greater appearance of authenticity, was written in bad English, misspelled, and filled with bulls and Irishisms. Gaine being himself an Irishman, and looking upon the petition as a reflection upon himself, his countrymen in the Colony, and in short upon the whole Irish nation, refused to print it; and making an apology for his refusal, he was instantly attacked in all the other public papers for partiality, charged with being bribed by the Church, and with having sold his conscience in order to serve the sinister purposes of the Episcopalians; that his press was no longer impartial, that it was open only to the Church, shut against the friends of liberty, and prostituted to serve the dirty purposes of a party. These reflections as cutting, as severe, and as cruel as unjust, at length raised Gaine's Hibernian spirit, and in his next paper, after a short apology to his countrymen, he ushered to the sight of the public, the curious petition which had for more than three weeks been the subject of rancor, ill nature, abuse, and scurrility. But by way of preface to the publication, he printed the letter, in which the Irish petition came inclosed to him, at the bottom of which to the great mortification of the republican faction, and to the no small joy and satisfaction of the Church ap-

peared the names following, to wit; *William Livingston, William Smith, Jun., John Morin Scott.* The cat was fairly out of the bag, the secret disclosed, and the authors of our civil discord, and commotions, discovered to be the very persons before suspected, and the secret, as well as the open, enemies of the Church, the English Constitution, and the College, to consist of the same set of people.

The triumvirate and the republican faction of which they were the head, finding the Governors of the College not to be intimidated into a surrender of their Charter, or into the acceptance of an additional one abolishing the exceptionable clause, exerted all their might, their strength, influence, and power, to prevail upon the General Assembly to pass an act *to repeal* the charter, and to form a new one upon their own plan; insisting that the King could grant no charter of privileges under the great seal, without being subject to the control of parliament; and that every charter ought legally to be established by an act of parliament, or if granted by the Crown, confirmed by such act; or else such charters were mere nullities, and consequently void; that the Charter from the Governor to the College, though under the great seal of the province, and passed by the advice of his Majesty's Council, was null and void, unless confirmed by an act of Assembly; and modestly proposed to that body to pass an act to annul the Charter and form a new one upon the presbyterian plan. And should the Governor refuse his consent to such an act passing into a law, the General Assembly were advised to withdraw the sum of about 5,000 pounds which had been expressly raised by some lotteries for the use of the College; and a certain annual sum of 500 pounds given by a vote of the

House, for its use, out of the moneys arising from an excise upon strong liquors. And so far did these petitions, addresses, and remonstrances, attended with the violent, inflammatory publications aforesaid, and the false and infamous libels dispersed in every part of the Colony, threatening to exclude every member at another election from a seat in the house who should dare to vote, or act in favor of the College, prevail, that they succeeded in obtaining a majority of that elective body to pass a resolve, by which they deprived the College of one half of all the money that had been expressly raised for its use, upon pretence that the Charter granted by the Governor was not agreeable to the real intent of the House when they granted the money. To convince the public of this, they ordered a bill brought in, revoking the Charter granted by the Governor, and establishing a new one agreeably to the wishes and designs of the republicans. This bill was drawn by the triumvirate, introduced into the house, and moved by Robert Livingston, Esq., who then represented his own Manor in the County of Albany, a violent partisan, and one of the principal leaders of the republican faction in New York. This bill the house ordered printed in all the public papers, that the sentiments of the province might be known at the next session. In the mean time the College being established, a president, tutors, and professors appointed; the Governors mentioned in the Charter qualified, youths admitted, a treasurer nominated, the fund settled, the whole completely organized; and the discontented, turbulent, presbyterian republican faction, well knowing that should their favorite act pass the house, and even the Council, (which they well knew was morally impossible) it would re-

ceive a negative from the Governor; and a war breaking out in 1755, between Great Britain and France, which nearly affected the American Colonies, they took the opportunity of dropping a dispute which they found could be no longer maintained with any probability of success.

The war continuing, and a new assembly being convened in 1759, a majority of the republican faction were elected; among the rest were Philip Livingston for the City, Henry Livingston and Robert R. Livingston for Dutchess, William Livingston for the Manor, William Bayard, first cousin to Philip Livingston for the City of New York, and Abraham Tenbroek, his brother in law, for Albany, with other staunch republicans. They immediately took the lead in the house. William Smith Jun., and John Morin Scott were their advisers without doors; and the Episcopalians the friends of order, and good government, always making it a rule, never to interfere with, or molest the ruling powers, but ever to wait with patience till the time arrives which puts it in their power constitutionally to oppose their enemies; all things seemed to be fast returning to that former harmony which has been already mentioned as subsisting in 1752, thanks to the patience, the virtue, the meekness and loyalty of the Episcopalians.

On the 30th of October, 1760, the late King, George II., died, in consequence of which the Assembly dissolved of course. The members returned to the new Assembly, gave an additional strength to the republican party. All those that were in the former house were re-elected, and some new ones chosen in the place of old members, who either declined serving, lost their seats, or were promoted to the Council of

the province. The American stamp act which was passed by the British parliament in March, 1765, and enacted to take effect on the first of November in the same year, occasioned a universal tumult throughout the colony; but as all parties, all denominations, and all ranks of people appeared unanimous in opposing its execution, the peace of the province, as to any internal jarrings, or political tenets, among its inhabitants, was not in the least disturbed; and the repeal of that act taking place in 1766, the storm, which it had occasioned, blew over, a calm succeeded, and all became once more peace and quietness.

In December, 1767, the General Assembly was dissolved, having served seven years, the time of its duration by a provincial act confirmed by the Crown. At the ensuing elections, the republican party lost ground, several of the most prominent members in the last house lost their seats, and were succeeded by firm, staunch Episcopalians.<sup>1</sup> However, the then Governor, Sir Henry Moore, being in the republican interest, which he espoused with great warmth, and Philip Livingston being chosen speaker of the new Assembly, and both in a great measure under the influence of the triumvirate, things remained pretty quiet until January, 1769, when Sir Henry, to please the faction and give them an opportunity of regaining the ground they had

<sup>1</sup> James De Lancey, the head of that family, eldest son of the late Governor De Lancey, Jacob Walton, and James Jauncey were elected as new members for the city, Leonard Van Kleeck, and Derick Brinkerhoff, were returned for Dutchess in the room of Robert R. Livingston and Henry Livingston. John De Lancey, cousin of James abovementioned, and one of the sons of Peter De Lancey of Rosehill, West Farms, a younger brother of the late Governor, came in for the borough of Westchester, John Rapalje was chosen for Kings County, Samuel Gale and John De Noyelles for Orange, and these, in conjunction with the old anti-republican members, formed a large majority against the Presbyterian faction, which was now dubbed by the name of the "*Whig Interest*."

lost at the last elections, dissolved the Assembly. New elections came on, the whole strength of the republican interest was tried; the Governor's influence was used, his secretary<sup>1</sup> openly canvassed and made promises in the name of the Governor, threatened some with the vengeance of his Excellency, abused numbers, and coaxed, flattered, and endeavoured to cajole others. Every means was employed, his father<sup>2</sup> was one of the candidates, but all in vain, the party still lost ground. The late speaker,<sup>3</sup> and almost every remaining republican, a junto of six or seven (of which George Clinton, the present Governor of New York, Nathaniel Woodhull, the rebel general who was killed at the battle of Brookland in 1776, and Philip Schuyler, one of the first generals commissioned by Congress, were the only ones of consequence) excepted, lost their seats; and Sir Henry dying the same year, and Cadwalader Colden, the Lieutenant-Governor of course succeeding to the administration, a strict, honest, rigid Churchman, every member of the Council, William Smith, Jr., excepted, professing the same religion, and a large majority of the General Assembly being totally averse to all republican measures, the triumvirate again arose; and at the latter end of this year, and during the whole of 1770, a periodical paper under the signature of the *American Whig* made its weekly appearance; and in the year 1771, another under the title of the *Watchman* was published in Philadelphia, though calculated for the meridian of New York, and constantly republished there by one John Holt, a most flaming, notorious, republican printer.

The triumvirate in the composition of these papers

<sup>1</sup> Philip Livingston, Jr., Esq.

<sup>2</sup> Peter Van Brugh Livingston, Esq.

<sup>3</sup> Philip Livingston, Esq.



were now assisted by Thomas Smith, full brother to William, one of the triumvirate; by a doctor Prime, a most violent, persecuting republican, the son of a presbyterian minister at Huntington, upon Long Island, Robert R. Livingston, Esq., then one of the Judges of the Supreme Court, his eldest son, Robert R. Livingston, Jr., (a youth of good parts, a steady republican, a violent partisan; he afterward served as a member in the New York Convention, as a delegate in Congress, and in 1781 was made American minister for foreign affairs), by doctor Smith, also full brother to the aforesaid William, a person of strict republican principles, a professed enemy to monarchy, a rigid independent, a hater of Episcopacy, and of a most turbulent, factious, seditious disposition. He left New York in 1766, and went to the West Indies, where he married a woman of some fortune, and from thence, about the beginning of the late rebellion, to England, and settled in London; from whence he carried on a constant correspondence with the rebels in America, advising them of every necessary step to be taken, of their numerous friends in England, and of the different plans projected in their behalf; advising them never to submit, but to contend to the last; and upon every occasion haranguing the mobs in London in favor of the "rights of mankind" and the "liberties of the people."<sup>1</sup> He continued in London until the riots, tumults, and fires which happened in June, 1780, when, laboring under strong suspicions of being deeply con-

<sup>1</sup> The *Political Magazine*, in speaking of William Smith, the late Chief-Justice of New York, and now of Canada, says: "This chief-justice had a brother, one Dr. Smith, who lived in Downing street; that he was an intimate of Silas Deane and of John the Painter, who set fire to the Dock Yard at Portsmouth, for which he was executed; that he was known in all the debating clubs for arguing against Great Britain in favor of America.

cerned in those unhappy disturbances, and no doubt conscious of it himself, he left England and fled to Brussels, in Flanders, where he continued until the king of Great Britain acknowledged the independence of the colonies, treated with them as a separate, distinct nation, gave them more than they ever expected, sacrificed his loyal subjects, gave away their property without a single term, condition, or stipulation in their favor, and dismembered the empire.' This business accomplished, Dr. Smith returned to America, where he still lives.

Besides the above, the triumvirate had now the assistance of Dr. Rogers and Mr. Treat, the two Presbyterian ministers in the City of New York, one Alexander McDougal (of whom enough hereafter), and the Rev. Mr. Laidly, a Scotch, Dutch, parson, of jesuitical, republican, and puritanical principles. This man had been called from Holland by the Dutch churches in New York, in order to preach in English in one of them, for the accommodation of such of the congregation as were not well versed in the Dutch language. This was the ostensible reason for his call, though the real truth was, a scheme laid and carried into execution through the means of the triumvirate, and the republican cabal, in hopes of not only converting the Dutch Churches into presbyterian conventicles, but in time, of getting possession of those revenues which even then amounted to a very considerable annual sum. This man was in his heart a presbyterian, in his principles of government a republican, an absolute enemy

<sup>1</sup> It is a question among lawyers whether a king of Great Britain has this power, that is, constitutionally. Whether he has it, or has it not, the business is now done, America is lost, and thousands of loyal subjects, with all their property ruined by the cursed manœuvre, owing to a damnable faction in England, and the want of spirit, resolution, and steadiness in a king.

to monarchical government, and a most rancorous hater of episcopacy. He preached a doctrine, and endeavored to establish a system of politics in his congregation, extremely favorable to the wishes and designs of the republican faction in the province. His religion was that of the New England dissenters, a religion as far distant from that of the Church of Holland, as is the Church of England from that of Geneva. He soon introduced his own system of religion in the church, herded entirely with the presbyterian parsons, the triumvirate, and other principal leaders of the puritanic conventicles. He shut up his church and refused to perform divine service on the festivals of Christmas, Easter, and Whitsuntide, days sacred, and held in great estimation among the original Dutch. This conduct at last occasioned a schism in the church, the parties came to loggerheads, battles ensued, noses were pulled, faces boxed, and ears roughly handled, males against males, and females against females; the consequence was a separation, the Dutch part of the congregation following their own minister, and the presbyterian or English party, Laidly. A lawsuit for the management of the property and revenues was another consequence. The followers of Laidly were in possession, the old Dutch brought their action, Livingston, Smith Jr., and Scott were counsel for the Laidleys, a special verdict was found, and upon solemn argument, judgment was given in favor of the defendants. They accordingly kept possession of the records and revenues of the church until 1776, when General Howe thought proper, by virtue of his power under the law military, to reverse the judgment given in the Supreme Court; and under pretence of the leaders of that church being disaffected to the British govern-

ment, he seized upon the edifice, converted it into a prison for rebels, and ousting the Laidleins he put their opponents, the old Dutch, in full possession of all the revenues and records belonging to the Dutch congregation; which possession they held until the evacuation of New York by the British army; upon which event the Laidleins again got the possession of their church, and with it, all the records and revenues appertaining to the Dutch Church Corporation, and in consequence of an act of the Legislature of New York passed after they had full notice of the peace, compelled the treasurer of the Old Dutch Church to refund every farthing that he had received of the revenues of the Dutch Church Corporation during the whole of the rebellion.

This Laidly was a principal leader in the above-mentioned political papers which were published in New York in 1768, 1769, 1770, and 1771, under the signatures of the "American Whig," "Sir Isaac Foot," and the "Watchman." These publications were replete with all kinds of abuse, scurrility, falsehood, fraud, hypocrisy, chicane, sedition, and indeed very little short of treason itself. Private characters were dissected, corporate, and other public bodies vilified, persons in high stations under government libelled, and the Episcopal Church most grossly abused. The very ashes of the dead were raked from their graves, in which they had peaceably lain for a number of years, and the characters of the deceased publicly lampooned; the "Watchman" declaring in one of his publications that "*it was right so to do, to prevent and deter the living from following the execrable examples of their deceased friends and relations;*" and all the little anecdotes of many principal families in the province, which

happened when living, were trumpeted about by the *Watchman* in the most barbarous, scandalous, and inhuman manner.

In one of the weekly papers, under the title of the *American Whig*, published in 1769, the following remarkable expressions were made use of; speaking of America and its wide extensive continent, with its number of inhabitants, and richness of its soil, it is thus asserted,—“ *This country will shortly become a great and flourishing empire, independent of Great Britain; enjoying its civil and religious liberty, uncontaminated, and deserted of all control from Bishops, the curse of curses, and from the subjection of all earthly Kings; the corner stones of this great structure are already laid, the materials are preparing, and before six years roll about, the great, the noble, the stupendous fabric will be erected.*” How well this prediction has been verified the times at present show.<sup>1</sup>

In the year 1770 (the General Assembly then sitting) several abusive, inflammatory, scandalous, and malicious, libels against the Lieutenant-Governor, the Council, and the General Assembly were dispersed about the town in the night, and posted up at every corner of the city. The Assembly advised the Lieutenant-Governor to issue a proclamation offering a reward to any person who should inform against the author, so that he might be legally convicted. This had the desired effect. The reward produced an informer, and the printer upon his examination gave up the author, who appeared to be one Alexander McDougal, the son of a poor industrious milkman in New York, an emigrant from the isle of Islay, in Scotland, where this man was

<sup>1</sup> This was written in 1784, shortly after the recognition of American Independence by Great Britain and the recall of her army and navy from that country.

born. While a lad, he for many years followed the occupation of his father, and trudged about town with the pails upon his back, dealing out milk to his father's customers; at length a dissention happening in the presbyterian meeting, of which old McDougal was a member, a number of the Scotch seceded, and hiring a house to preach in, McDougal was chosen pastor, and Alexander the son appointed clerk. He quitted this employment for the sea, made several voyages before the mast, and was promoted in time to be mate of a little coasting vessel, and at length to that of master of a small sloop, which usually ran once or twice a year between New York and St. Augustine, belonging to a gentleman who had a contract for supplying that garrison with provisions.<sup>1</sup> In the year 1758 (Great Britain and France being then at war) he was made a captain of a small privateer sloop called the *Tyger* of six guns and fifty men. In a cruise or two, he captured some prizes of small value, but made something considerable by levying contributions upon a number of Dutch ships which he seized in the West Indies under pretence of their being carriers for the French, the captains of which, rather than be carried to, and perhaps detained for some time in English ports, prudently gave him sums of money for permission to proceed on their respective voyages. By these means and the share of his prizes, having acquired a small estate, he quitted the sea and settled in New York, where he kept what is known among sailors by the name of "a Slop-Shop." In the course of a few years he considerably increased his capital. At the

<sup>1</sup> William Walton, Esq., a gentleman of one of the first families in the province, many years a member of the General Assembly, and at the time of his death in June 1767, one of his Majesty's Council.

end of the war in 1763, he made a voyage to Saint Croix, in the West Indies, and passing for a clergyman's son of high distinction, married a lady of some fortune, returned to New York, and entered into trade upon a much larger scale than before. Being a strong republican, a rigid presbyterian, extremely ambitious, a dabbler in politics, and having a pretty good genius, and by dint of application having obtained some knowledge in literature, his politics and religion paved the way to an intimacy with the triumvirate, and other leaders of the republican faction, with whom in a short time he became closely linked. He was a principal promoter and encourager of the unhappy disputes which raged with such violence in the colony for many years, terminated in a rebellion, in a dismemberment of the empire, in almost a total destruction of thirteen valuable provinces, and in the loss of not less than 100,000 brave men. He was one of the committee of fifty appointed upon the recommendation of Congress, for the City of New York, in the year 1774; was a member of the first provincial Congress held for the colony, and by them commissioned to the first rebel regiment raised in the province, and served Congress as a military officer during the whole rebellion. He was, upon the close of the revolution, put at the head of the bank established in New York, and this position he held at the time of his death, which happened in March, 1786.

Information being lodged against this man as the author and publisher of the false, scandalous, and defamatory libels aforesaid, Daniel Horsmanden, the Chief Justice of the province, issued his warrant against him; in consequence of which he was apprehended, brought before the Chief Justice, and refusing to give bail was committed to prison. The republican presses

now laboured with the oppression of McDougal, he was exalted to the very skies as a patriot, suffering in the cause of liberty; his opposition to the three branches of the legislature, was said to arise from a regard to the liberties and privileges of the people. The Lieutenant-Governor, the Council, and the General Assembly were charged with being in the pay of the British Ministry and endeavoring to introduce an arbitrary and illegal system of Government in the colonies. It was averred that the Assembly had lost the confidence of the people, and were of course no Assembly, that all power was lodged in the people; that the members of the house were their substitutes, and that the people at large consequently had a right to dissolve the Assembly and elect other members whenever they pleased without the Governor's consent or approbation. In short, the republican faction, in order to serve their own purposes, and carry their own points, were throwing everything into anarchy, confusion, and disorder, and would, no doubt, have rejoiced at seeing the citizens and inhabitants engaged in cutting one and another's throats, if their own interests would have been advanced by such means. In the meantime McDougal, who now lay snug in jail, was dubbed "a second Wilkes," "a patriot," "a defender of the rights of mankind and liberties of the people." The public papers announced that on such a day 45 gentlemen dined with him, that on such a morning 45 ladies breakfasted with him, that on such a night 45 tradesmen supped with him, that on such an afternoon 45 women drank tea with him; that Thomas Smith, Esq., full brother to William, had sent him a present of 45 lbs. of beef, that Peter R. Livingston, brother-in-law to the same William, had sent him 45 bottles of Madeira, some



Scotch traders 45 bottles of ale, the two presbyterian parsons, Rogers and Treat, 45 lbs. of candles. Sometimes we were told of 45 bottles of wine being drank at a sitting, of 45 lbs. of beef being eaten, and 45 patriotic toasts given. In short, the press laboured with the enumeration of so many 45's, that the parties themselves grew tired of the number. But to keep up the popular clamor No. 93 was substituted in its room, in honor of 93 members of the Great and General Court of the Massachusetts Bay, who had refused to rescind a vote of theirs at the desire of Lord Hillsborough, then secretary to the American department; and here the whole scene was again renewed, published in the papers, and boasted of in all companies.

While this farce was acting, and McDougal's "oppression," as his partisans termed it, was blazed throughout the continent, and the public papers were daily laboring with fulsome panegyrics of his noble, undaunted spirit, his perseverance in the cause of liberty, his patriotism, his bold, unshackled mind, and his firm resolution of bringing his enemies, and those of his country to condign punishment, and exposing them to the world for their tyranny, their arbitrary power, and oppression, the usual term of the Supreme Court was approaching. Attempts were therefore made by the republicans to get a grand jury returned that should be in the interest of, or favorable to, the cause of their champion; accordingly his known friends officiously put themselves in the way of the Sheriff, talked of the approaching term, in such a manner as was fully convincing that their design was to have been returned as jurors. Nay, *Isaac Sears*, well known in New York (from his great influence among the rabble) by the name of "King Sears," personally applied to the

Sheriff, and desired that himself and several of his particular friends might be summoned. The Sheriff took no notice of these hints, but to his honor be it spoken, he summoned a grand jury consisting of the most impartial, reputable, opulent, and substantial gentlemen in the city. The Court opened, the grand jury were sworn, charged, and a bill of indictment against McDougal preferred. To prevent the bill being found, Thomas Smith appeared before the grand jury and laid before them a pamphlet published many years before, entitled, "*Lieutenant-Governor Colden's conduct relative to the stamp act considered*," which he insisted was a libel against government and ought to be presented. John Morin Scott applied with another old pamphlet, Isaac Sears with a budget of old newspapers, and William Livingston with a book called a "*History of the military operations, etc., in the province of New York*," printed in 1758, and addressed to the late Earl of Halifax. This book he insisted contained many libellous passages, that the public and private character of several principal gentlemen were libelled in different parts of it, which he pointed out and explained to the jurors. This he might well do, his friends a few years afterwards publicly acknowledging that he himself was the author. The republicans were in hopes that by bringing in so many complaints upon libellous subjects, the whole would be disregarded by the lump, and McDougal go unindicted. In this they were however mistaken. On the last day of the term the grand jury returned the bill indorsed, "Billa Vera." This operated like a thunder clap upon the republican gentry. A trial was now to take place, and McDougal to be judged by his peers. John Roberts, Esq., the High Sheriff (a near relation by marriage to the late

Earl of Halifax) was an honest old veteran who had served in his Majesty's army from his infancy, and who had now been for more than twenty years High Sheriff of the City and County of New York. It was well known that he was incorruptible, well affected to government, and beyond the power of a bribe.<sup>1</sup> Other methods were therefore to be pursued.

Upon the indictments being delivered into court John Morin Scott, McDougal's attorney, moved that he might be brought into court, to enter his appearance, and plead to the indictment. It was accordingly ordered, a mob was in readiness to escort and attend the culprit from the prison to the City Hall, a distance of about half a mile, consisting of two or three hundred of the rabble of the town, headed by some of the most zealous partizans of the republican faction, among whom were Thomas Smith, John Smith, and Joshua Hett Smith, full brothers to the "*Patriotic Billy*," Peter R. Livingston (well known in New York from his art, low cunning, avarice and hypocrisy, by the name of "*Few Peter*"), his brother-in-law, William Livingston, Richard Livingston, Isaac Sears, and John Van Cortlandt, each of whom afterwards took active parts in the late rebellion, and continued in it until an inglorious peace put an end to the war, gave independence to thirteen valuable British colonies, and tarnished the honor, the glory, and dignity of the English nation.

Some time after the court rose in which the bill against McDougal had been found, the Lieutenant-Governor and Council made an order that the several

<sup>1</sup> Mr. Roberts died in New York in 1783, not long before the evacuation took place in consequence of the peace. He was between 80 and 90 years of age, and retained his faculties, his honor, and his loyalty to the last.

gentlemen of the law holding offices under the crown should assist the Attorney-General<sup>1</sup> in the prosecution,

<sup>1</sup> John Tabor Kempe, Esq., a gentleman of great honor, of an old, honest, worthy, hospitable English family, and possessed of a most brilliant share of legal knowledge. He was born at Lewes, in Sussex, and when a youth came to New York with his father and family; the father having expended a large estate in supporting the Duke of Newcastle in his elections, and by that means much reduced, with a large family to maintain, the Duke made him Attorney-General of the province, to which no salary at that time appertained, and the emoluments were not very considerable; he arrived with his family in New York in 1753, and died in 1759, leaving this son and five daughters with very little to subsist upon. The office, by the death of the old gentleman, became vacant, and being of the honorable kind, several gentlemen solicited the appointment; young Mr. Kempe modestly hinted his pretensions. Lieutenant-Governor De Lancey then had the administration; he well knew the father, though at that time little of the son; he had heard of the distresses of the family, and was determined to relieve them, though several of the applicants were backed with powerful influence, and one of them a particular friend and favorite of the Governor, yet he appointed the son of Mr. Kempe to succeed his father in spite of all the opposition, power, interest, and solicitations that were made against it. *Mr. De Lancey knew mankind perfectly well.* In this appointment he was not mistaken. Mr. Kempe having turned out as generous, sensible, honest, and worthy a man as perhaps New York ever experienced. An Attorney-General should ever support such a character.

The power in such hands is a blessing to a province, in the hands of a bad man, or in one of an indifferent character, a real curse; the power is great.

The person alluded to as the Governor's particular friend politely gave up his pretensions in favor of Mr. Kempe. He was Benjamin Nicoll, Esq., a gentleman at that time of eminence in the law. He died in April, 1760, universally regretted. In justice to this gentleman, I must say (I know it of my own knowledge and aver it as a fact) that when he applied for the office, he made the following proviso in his letter (I have seen the original): "If young Mr. Kempe, who is left with a large family to maintain, has any thoughts of succeeding his father, I waive my pretensions totally, and in such case, I beg your Honor will not think of me, but, on the contrary, let me ask it as a favor that he may be appointed, who, though young, has a good capacity and already pretty well versed in the law. He has a large family upon his hands, nothing left by the father, and must be in distress; if he asks the commission I once more entreat your Honor not to think of me." This gentleman was a descendant in a direct line from Matthias Nicoll, who was secretary to his near relation, General Sir Richard Nicoll, who took New York from the Dutch in 1664, and was the first governor of the colony under Great Britain. Matthias was the great-grandfather of this gentleman. He patented and settled a large tract of land in Suffolk County, upon Long Island, containing near 20,000 acres, called "Islip Grange," from the place where the family lived in Northamptonshire, England. His son William, who inherited the estate, represented the county in Assembly, and was many years speaker of the House. He left two sons, Benjamin and William. Benjamin was the father of the gentleman above mentioned, and died at the age

when, strange to relate! William Smith, then sitting at the Council Board, as one of his Majesty's Council, and at the same time holding a clerkship in Chancery by virtue of letters-patent under the crown, not only refused to obey such order by assisting in the prosecution, but declared that the sentiments contained in the libellous papers were the sentiments of a great majority of the people; that the prosecution was an unpopular one, and that "he would not set himself up" (to use his own expression) "as a target to be shot at by the people."

Upon the grand jury finding a bill against McDougal the republicans determined to wreak their vengeance upon the poor journeyman printer who had informed against the libeller. Anonymous pieces accordingly appeared in the public papers, and handbills were dispersed about the town, threatening destruction to his person and property, and of tarring, feathering, and delivering him over to the "Sons of Liberty," to receive a punishment adequate to his treachery. Apprehensive of the execution of these threats, and dreading the vengeance of the republican faction, he thought it most prudent to conceal himself. He was now advertised as an enemy to the liberty of America, and rewards offered for his apprehension. Finding his life in danger from the violence of the republican faction in New York, he privately left the colony, and removed to a different part of the continent. The advertisements

of 35. William lived to near 70, and represented the county in the Assembly for many years, and was also Speaker. William, the son of the first Benjamin, inherited the paternal estate, and also served the county as its representative for several years, and was a member of the House when the rebellion broke out. Islip is still in possession of the family. It is now enjoyed by William Nicoll, the eldest son of William, who was the eldest son of Benjamin, who was the eldest son of William, who was the only son of Matthias, the original patentee.

were now repeated, his person, his manners, and his dress described, a reward was offered to any person who should apprehend him; these advertisements were desired to be republished in all the public papers upon the continent, and the Sons of Liberty in each colony desired to hunt the poor vagabond, and not suffer him to reside in any of them. This had the desired effect—the poor fellow's life became almost a burden to him; he was no longer able to stay in America, and he privately got to Boston, where General Gage commanded the king's troops, took shipping and went to England.

The printer of the paper, one James Parker, a rigid presbyterian, a professed hater of monarchy, and an enemy to Episcopacy, being strongly attached to the republican faction, and having been an involuntary witness upon the journeyman's information, remained in town undisturbed. After some time he removed to New Jersey, where he was taken ill and suddenly died, not without strong suspicions of foul play. With Parker's death McDougal's prosecution ended. The crown having no evidence left, McDougal moved for and obtained his discharge.

## CHAPTER II.

IN May, 1774, notice was given in the public papers for the inhabitants of the City of New York to meet at the Exchange on a day and hour therein mentioned, to elect a committee of correspondence to form resolutions, etc. The Loyalists made a point of attending. A committee was chosen. It consisted of 50. The majority, however, were real friends to Government. Isaac Low was chosen chairman. This committee met frequently, and violent resolutions were proposed, but ever rejected. Mr. Low and the republicans of the committee finding it not to answer their purposes, actually dissolved it, and nominated one of their own, without an election, or the least notice to the citizens. Mr. Low continued chairman. They acted as a legal body, legally chosen, and fined, imprisoned, robbed, and banished his Majesty's loyal subjects with a vengeance.

In September, 1774, a Congress was held at Philadelphia, consisting of delegates from all the Colonies from Nova Scotia to Georgia. Five were sent from New York. They were chosen by the people at large, with little or no opposition, *all parties, denominations and religions, apprehending at the time, that the Colonies laboured under grievances which wanted redressing. To redress which, and to form a happy, perpetual, and lasting, alliance, between Great Britain and America,* were the reasons which induced the New

York Loyalists so readily to agree to the delegation. The republicans wanted members chosen out of their own faction. This the Loyalists opposed, and a kind of compromise took place. The delegates from New York, as I mentioned before, consisted of five. These were Philip Livingston, Isaac Low, James Duane, John Jay, and John Alsop. Livingston was a "Laid-lean," and though a republican, not one of the most inflammatory kind. Low belonged to the Church of England, a person unbounded in ambition, violent and turbulent in his disposition, remarkably obstinate, with a good share of understanding, extremely opinionated, fond of being the head of a party, and never so well pleased as when chairman of a committee, or principal spokesman at a mob meeting. His principles of government rather inclined to the republican system. Duane and Jay were both gentlemen of eminence in the law, had each a sufficiency of ambition, with a proper share of pride; were both strong Episcopalians, and almost adored the British Constitution, in church, as well as state. Alsop was an honest, upright, wealthy merchant, had knowledge enough for a man in his way, but was by no means formed for a politician. He was a steady churchman, and loved Bishops as well as Kings. With such a delegation, the New York Loyalists thought themselves safe. *A redress of grievances, and a firm union between Great Britain and America upon constitutional principles was their only aim. This they hoped for, this they wished for, this they expected. To this purport they also verbally instructed their delegates.* These sanguine hopes were frustrated by the artful cabals of the republicans in Congress, and the wished for, and so much desired, reconciliation, blasted by a hasty, ill-judged and pre-



cipitate adoption by Congress of a set of resolves made at a town meeting in the County of Suffolk in the Province of the Massachusetts, which contained in almost express terms a declaration of war against Great Britain.

It was a remark made by the Loyalists in New York, that a certain William Smith, Esq., took particular pleasure in speaking in all companies of the debates in Congress, and the vote by which the Suffolk resolves were adopted ; and always, with seeming pleasure and satisfaction, declared that upon the votes being carried, a Mr. Lynch jumped up and clapping his hand upon his breast exclaimed, "*I thank my God we have passed the Rubicon, there is no receding now.*" This Lynch was a delegate from South Carolina, an Irish Presbyterian, not very conscientious in his principles, could be guilty of mean actions, and was a flaming republican. Smith always appeared to be as well pleased in telling this anecdote, as Lynch could possibly have been when he exultingly uttered the words.

The Congress having finished their business, dissolved themselves in October, declaring that another Congress was necessary ; that it should meet at Philadelphia in May, 1775 ; and recommended to the several Colonies to send delegates accordingly.

In February, 1775, a motion was made in the General Assembly of New York by Philip Schuyler, Esq., one of the members from Albany, to adopt and approve of the proceedings of the late Congress. This motion occasioned violent debates. The question was at length put, and their conduct, proceedings, and inflammatory publications reprobated by a majority of the House. Those who opposed and voted against

the acts of Congress were, John Cruger, James De Lancey, Jacob Walton, and James Jauncey, members for the City of New York; John Rapalje, one of the members for Kings County; Daniel Kissam, one of the members for Queens County; William Nicoll, one of the members for Suffolk County; Benjamin Seaman and Christopher Billop, members for Richmond County; Isaac Wilkins, member for the Borough of Westchester; Frederick Phillipse, one of the members for the County of Westchester; Samuel Gale, one of the members for the County of Orange; and Leonard Van Kleeck, one of the members for the County of Dutchess; every one of whom, Cruger, Nicoll, Walton, Gale, and Van Kleeck, excepted, were, by an act of the rebel Assembly, passed in October, 1779, attainted of high treason, themselves proscribed, and their estates, both real and personal, confiscated to the use of the State of New York. This act became legal in 1783, in consequence of the recognition of American independence by Great Britain.

The New York Loyalists being totally disappointed in the proceedings of the late Congress, and finding their delegates returned from Philadelphia converted into fixed republicans, came to a resolution at a public meeting of opposing any future delegation. p. 412

Early in March, 1775, the City committee notified the inhabitants, that on such a day, the delegates for the ensuing Congress would be elected, and desired their appearance at the Exchange for that purpose. The Loyalists had already determined to oppose the election. The day came. The Loyalists assembled in the Fields, and went to the place of election in a body, peaceably and quietly. *They consisted of at least, four to one of all the legal voters in the City, and had a* x

*poll been taken, it would have appeared so.* The republican party in order to swell their numbers, marched round all the docks and wharves, with trumpets blowing, fifes playing, drums beating, and colours flying; by this means collecting all the boys, sailors, negroes, New England and Jersey boatmen, that could be mustered. The motley assemblage marched to the place of election, where a large and select party of the most violent republican partizans (contrary to the laws and rules of elections) formed themselves into a company, armed with bludgeons and quarter-staves, under the direction of and headed by Isaac Sears, and Richard Livingston, with John Smith, Joshua Hett Smith, and Peter R. Livingston, so often mentioned before, and threatened destruction to any person who should oppose the election of delegates.<sup>1</sup> The parties being thus met, the Loyalists demanded a poll. The City Committee, who had taken upon themselves the part of returning officers, refused it, and insisting that a majority appeared in favor of delegates, they proceeded among themselves to a nomination in private, and having fixed upon the persons, declared them duly elected. The gentlemen fixed upon for the City, chosen they were not, were Isaac Low, Philip Livingston, James Duane, John Jay, John Alsop, and Francis Lewis. Most of the Counties now also sent delegates to Congress (Queens, Richmond, Tryon, Cumberland and Gloucester excepted). Simon Boerum went from Kings, William Floyd from Suffolk, Lewis Morris from Westchester, Robert R. Livingston, Junr., from Dutchess,

<sup>1</sup> This is the real fact. Gordon, in his history of the American Revolution, says the Tories began the affray, which is a manifest misrepresentation of the affair. The Whigs had concealed their bludgeons the night before in a cellar adjoining the Exchange which was the place fixed upon for the Election.

Henry Wiesner from Orange, George Clinton from Ulster, William Duer from Charlotte, and Philip Schuyler from Albany.

On Sunday morning the 23d of April, a confused account arrived from Boston, of a skirmish at Lexington between a detachment of the Kings troops, and a party of the rebel army;<sup>1</sup> the republicans instantly took the alarm; they had wished for it for a long time, they received the news with avidity. Isaac Sears, John Lamb and Donald Campbell (a half pay officer) paraded the town with drums beating and colours flying, (attended by a mob of negroes, boys, sailors, and pick-pockets) inviting all mankind to take up arms in defence of the "injured rights and liberties of America." The posts were stopped, the mails opened, and the letters read. In the afternoon, a number of the faction under their old leaders, of whom Peter R. Livingston, John Smith, Joshua Hett Smith, Leonard Lispenard, Jr., and Anthony Lispenard, were the most active, seized upon a sloop loaded with provisions for Boston, unloaded her, and cast the cargo into the dock. On the same evening the same set of fellows, under

<sup>1</sup> The affair was shortly this. General Gage, who then commanded the Royal Army at Boston, on the 19th of April, 1775, sent a party to destroy a rebel magazine at Concord about 30 miles from Boston; this detachment marching on unsuspecting of harm with unloaded guns were attacked near Lexington by the Americans; they loaded, and of course resisted; the Americans gave way, the British marched on; the rebel stores at Concord were all destroyed. Upon the return of the troops the whole country rose in arms, and the British Detachment was attacked on every side, in front, in rear, on each flank, from woods, fences, stone walls, hedges, and the windows of houses; some of the English were killed, some wounded, and some taken prisoners. They made their retreat good to Boston. What number of the Americans were killed or wounded could never be ascertained. This was the commencement of hostilities in America. Who were the aggressors is uncertain, the Americans say the British, the British say the Americans. It is of little consequence at the present day. Boston, upon this action, was immediately invested, and blockaded, by a large American army, which prevented entirely all communication between the country and the town.

the same leaders broke open the Arsenal in the City Hall, and forcibly took away 1,000 stand of arms, belonging to the City Corporation, and delivered them out to the rabble, to be used as the demagogues of rebellion should direct. The whole city became one continued scene of riot, tumult, and confusion. Troops were enlisted for the service of rebellion, the Loyalists threatened with the gallows, and the property of the Crown plundered and seized upon wherever it could be found. Leonard Lispenard Esq., at this very time, a governor, and treasurer, of King's College, a Colonel in the New York Militia, by a Commission under the Crown, a man of influence, who had been an Alderman, and many years represented the city in Assembly, took an active part in all these treasonable proceedings; he was now one of the city committee, and a member of the provincial convention. When the rebels left New York, this gentleman staid behind, pretended that nothing but necessity had induced him to act as he had done, professed great loyalty to his Sovereign, swallowed the oaths of allegiance, acted again as a Governor and Treasurer of the College, pretended the strongest attachment to the British Constitution, and an utter aversion to the American Rebellion. Yet no sooner was it known in New York that the provisional articles of peace were signed, than he threw off the mask, declared himself publicly a friend to Independence, and was one of the principal instigators of the numberless cruelties inflicted upon the Loyalists by the partizans of rebellion after the Evacuation of the City.

In the midst of all this confusion, and trouble, fear and consternation, the Lieutenant Governor summoned his Majesty's Council to meet at his own house on the

afternoon of the 23d of April 1775, at which he desired the attendance of the Judges of the Supreme Court, the Attorney General, the Mayor, and Recorder of the city, and the field officers of the City Militia. The Governor desired their advice in the then critical situation of affairs. Several things were mentioned, proposed, agitated, and talked of, but to little purpose. A Judge of the Supreme Court then present,<sup>1</sup> boldly proposed that (the militia should be called out,) the riot act read, and if the mob did not thereupon disperse, to apprehend and imprison the ringleaders, and by such coercive means to secure the peace of the City. This proposal was instantly opposed by William Smith, one of his Majesty's Council, who openly declared "that the ferment which then raged in the city was general and not confined to a few; that it was owing to a design in the British Ministry to enslave the Colonies, and to carry such design into execution by dint of a military force; that the battle of Lexington was looked upon as a prelude to such intention, and that the spirit then prevailing in the town (which he represented as universal) would subside as soon as the grievances of the people were redressed, and advised to let the populace act as they pleased."<sup>2</sup> Nobody replied, the times were critical, a declaration of one's sentiments might be dangerous, the Council broke up, and nothing was done.

The leaders of the republican faction now proposed that an "Association" should be drawn and signed,

<sup>1</sup> Thomas Jones Esq.

<sup>2</sup> This was the advice of a Crown officer. This was the advice of a member of his Majesty's Council, but then it must also be remembered that this was the advice of a rigid Presbyterian—a factious republican—a hater of monarchy—an enemy to Episcopacy, a leveller in principle, and a sly, arch, hypocritical ringleader of sedition

(as it was artfully pretended) to keep the peace of the city, and the powers of government, out of the hands of the mob. This was the pretended reason; but the real truth was, by such an "Association," to strengthen and cement the solemn league and covenant, which had only been privately entered into by the heads of the faction before. This "Association" was to take its rise from the "City Committee" (who were all republicans). James Duane and John Jay, two of the delegates nominated by the mob meeting mentioned before, with Peter Van Schaack (one of the committee), an attorney, a lad of great duplicity, were the fabricators. The purport of which was, "that the subscribers agreed to associate, and form themselves into one compact body for the good of the whole, to prevent mobs, to support the civil authority, and to defend the rights and liberties of the people against the unjust claims of the British Ministry, to oppose the execution of all arbitrary and illegal acts of Parliament, and lastly, to declare their willingness, and the subscribers engaged and pledged their sacred honor to each other, to risk their lives and spend their fortunes in defence of the rights and liberties of America against the usurpation, unjust claims, and cruel oppression of the British Parliament." Saturday, the 29th of April, was fixed upon for signing the "Association." The people were notified by handbills to appear. The place mentioned, the hour ascertained, a numerous appearance was made. Some came out of fear, many out of curiosity, and others from a real approbation of the iniquitous measure. Isaac Low, the chairman of the committee, a member of the Provincial Congress, and one of the delegates in General Congress for the city of New York, mounted the ros-

trum and harangued the mob in a set speech, in which he damned the King, cursed the Ministry, and abused the Parliament; insisted that a systematic plan was formed by Great Britain to enslave America, declared that England was a bankrupt nation, that the House of Commons consisted of a set of venal wretches, that the Ministry were corruption itself, that the King was a Roman Catholic, nay, a Roman Catholic tyrant; that he had broken his coronation oath, had established the popish religion in Canada, which was shortly to be extended to all the other colonies; that the Ministry were in the interest of the pretender, and that nothing but steadiness, unanimity, and resolution were wanting in the Americans to bring Great Britain to their feet, and he thanked his God that the day was fast approaching when such unanimity would become complete; towards fixing which grand object every one present was desired to sign the "Association," and such as refused it he declared should be advertised by name in all the public papers as the "enemies of America and the rights of mankind."

The "Association" was then read, approved of in loud huzzas by the rabble (one-half of which heard not a word of it), a table was introduced, and Isaac Low, the prolocutor upon the occasion, first signed it. He was seconded in this pious business by Robert R. Livingston (then one of the Judges of the Supreme Court, the particular, the bosom, the confidential friend of William Smith, by whose advice he was ever governed, and without which he never did an act of consequence in his life), who had for the express purpose of appearing among the mob, encouraging their seditions and treasonable temper, and publicly signing the association, left the seat of Justice (the Supreme Court



being then sitting) in violation of his duty, in violation of his oath, and in contempt of his allegiance. He was followed by all the other leading Republicans present, among whom were Thomas Smith, John Smith, and Joshua Hett Smith, full brothers to William Smith; his brother-in-law, Peter R. Livingston, with David Van Horne, Peter Van Brugh Livingston, and all his other particular friends, relations, and connections in New York. William Smith was not at the meeting himself—several days passed, and no offer came from him to sign the “Association.” The Republicans began to mutter; he had warmly espoused and advised the measure. Some of his friends were confounded, many astonished, and all amazed. A meeting was called, and Alexander McDougal commissioned to wait upon him in person, and require the reason of his acting apart, which appeared to them so inconsistent with his well-known and established character, as a *rigid republican*. McDougal went, and the hypocrite explained himself thus: “You know (says he) that I am as good and “steady a friend to the cause as any man in America; “that I have advised, promoted, and encouraged the “present measure from its origin; nourished and cherished it through all its different stages to the present “time. But the crisis now approaches. Great Britain “has commenced hostilities, America must and will have “recourse to arms; this the King, the Ministry, the “Parliament, and the courts of law, *will term treason “and rebellion, and the actors, traitors and rebels*. The “events of war are uncertain, our army may be defeated, “our friends taken prisoners, tried and convicted. A “staunch friend at the Council Board will be then necessary, whose influence can be used in favor of such “unhappy persons. I am now there, and in the good

"graces of his Excellency the Governor. Should I "sign the 'Association,' I may lose that favor, and perhaps my seat in Council, a risk in the present times, "and under our particular circumstances by no means "to be hazarded." McDougal was convinced; the reasoning was strong and judicious. He made his report. It was approved of, Smith was exculpated, and his friends satisfied.

In the beginning of May, 1775, the Eastern delegates arrived at New York, on their way to Philadelphia. Upon this occasion all the republican faction was summoned, the mob collected, the rabble turned out, and the companies that had been raised for the avowed purposes of rebellion, and armed with muskets stolen from the arsenal, were mustered; and this motley assemblage marched near seven miles out of town, and conducted the delegates into the city amidst the shouts, noise, hurraing, and riot, necessarily attending such a tumultuous concourse of people, escorted by a grenadier company under the command of one Lasher, a German shoemaker, of the lowest extraction, and an independent company of fusileers, then lately raised for the service of Congress, and commanded by one Rudolphus Ritzema, attorney-at-law.<sup>1</sup>

<sup>1</sup> He is the son of a Dominic Ritzema, senior Minister of the old Dutch Church, in New York, a worthy, honest, good, loyal, and religious man. The son was one of the first graduates in Kings College, in New York. The father sent him to Holland, to study divinity. This was too dry a study. He left his tutor and enlisted as a soldier in the Prussian service. Being a large, tall, rawboned fellow, he was put into the grenadiers. He was at length promoted to a halberd. At the end of the war, the regiment being disbanded, he left Germany, returned to America, and served a regular apprenticeship to the law, and was in full practice in 1775, when he abandoned the profession, and took up arms in favour of rebellion. He attended Montgomery into Canada as Lieut. Colonel of a rebel regiment in the pay of New York. Upon the reduction of St. Johns he obtained a regiment, and in 1778 was broken by a General Court Martial of rebel officers for divers offences of which he was convicted. Upon this he came into New York,

The next morning all the principal heads and leaders of the presbyterian faction and republican party in New York (among which were the two presbyterian parsons, Rogers and Treat, Laidly of the English Dutch Church, Mason of the Seceders, Livingston of the North Dutch Church, Alexander McDougal, John Morin Scott, Philip Livingston, Peter Van Brugh Livingston, John Jay, James Duane, Isaac Low, William Smith, Thomas Smith, Joshua Hett Smith, Peter R. Livingston, David Van Horne, Donald Campbell, John Van Cortlandt, Isaac Sears, with a number of other fomenters and demagogues of rebellion, waited upon these eastern gentry to welcome them to New York, to wish them success in the great, glorious, and arduous cause in which they were embarked ; and particularly to congratulate John Hancock and Samuel Adams (two of them) on their great, marvellous, and providential escape from the vengeance of the royal army, those "*savage, cruel, and inhuman butchers*," as they now affected to call the British troops. These gentlemen having made it a point to propagate at every stage from Boston to New York a report that the party attacked at Lexington was purposely sent by General Gage to seize the said Hancock and Adams, in order to send them to England for trial as traitors, this report, false as it was, had an amazing influence on the minds of the common people, especially in the New

and pretending great interest with the soldiers in the rebel army, General Clinton gave him a warrant to raise a regiment. In the course of about five months he recruited near 40 half-starved, wretched deserters from the rebel army. The General finding no hopes of the regiment ever being completed, turned over his recruits to Lord Rawdon, and allowed Ritzma half pay. Upon this he went to England, his half pay was continued to him, £150 allowed him for subsistence as a suffering Loyalist, and a grant of land made him in Nova Scotia. Thus are the *brave*, the *worthy*, and the *loyal* rewarded by the generosity of John Bull.

England provinces, and tended to irritate them as much against Great Britain and the royal army then at Boston, as any one falsehood that had been previously thereto circulated for that purpose, of which God knows there were enough.

In this month, to wit, May, 1775, a party of about 300 men, under the command of Ethan Allen, Seth Warner, and Remember Barker, from the colonies of New Hampshire, New York, and Connecticut, known then by the name of the *Green Mountain Boys*, and settlers upon a tract of land now called Vermont, surprised the garrisons of Ticonderoga and Crown Point, situate upon the lakes George and Champlain. The garrisons, not apprehensive of danger, were surprised and made prisoners without the loss of a man. In these garrisons they found 200 pieces of cannon, some mortars, a quantity of small arms, with various kinds of military stores of the utmost service at that time to the American cause. They also took two vessels, which gave them the absolute command of Champlain. They even went to St. Johns, at the foot of the lake, dismantled the fort, and returned to Ticonderoga. The officers and soldiers were sent prisoners into New England. The British colors were sent to Congress at Philadelphia, and with great pomp and ostentation hung up as a trophy in Carpenter's Hall, where that illegal and unconstitutional body of people were then sitting.<sup>1</sup> These three young fellows were natives of New

<sup>1</sup> This Congress, which assembled in May, 1775, issued a Declaration of War against Great Britain, under the title of "Reasons for taking up arms," ordered an army raised, appointed generals and other officers to the command of it, struck money for its pay, its clothing and accoutering, and, in short, assumed all the powers of a sovereign State; declared the money so struck legal, and that any person who should refuse to take it, was by a resolve of theirs, to be held up and exposed as an enemy to America and the *rights of mankind*.

Hampshire, and served in the preceding war as officers in the provincial troops raised in that colony. At the end of the war, in consequence of His Majesty's proclamation, Crown lands were given them by the Governor of that province at a place called the Green Mountains, afterwards called by the name of the Hampshire Grants, and since by that of Vermont. The lands within this district settled (upon the conclusion of the peace with France and the cession of Canada to Great Britain) with amazing rapidity. Part of this land was claimed and granted by New York, the whole by New Hampshire. Confusion of course ensued; some claimed under New York, some under New Hampshire. New York insisted it had a right as far east as Connecticut River. New Hampshire claimed for her western boundary a line to run at the distance of 20 miles east of the Hudson. The New York grantees applied to Great Britain for the settlement of the dispute; and without the consent, approbation, or even knowledge, of New Hampshire, the matter was heard before the King and Council. Counsel was heard on the part of New York. The colony agent had received full advices upon the subject. New Hampshire was totally ignorant of what was doing in England. A line was determined upon, an *ex parte* line; and the Connecticut was fixed upon as the boundary between the two colonies. New York soon after this determination erected the disputed territory into three counties, by the names of Charlotte, Cumberland, and Gloucester. Judges, justices, sheriffs, and other officers were appointed by New York. The like officers for the same district were commissioned by New Hampshire. Allen, Warner, and Barker were the principal leaders of the party which claimed under

New Hampshire, and being more numerous than those claiming under New York, they refused to let any one holding a commission under New York do a single act in consequence of such commission. They stopped and shut up the courts of justice, insulted the judges, imprisoned the sheriffs, put the justices of the peace in the stocks, and to the constables they gave the discipline of the whipping-post.

Matters being thus situated, the New York grantees, with James Duane, John Morin Scott, Thomas Smith, William Livingston, and Leonard Lispenard Esquires, at their head, applied to the General Assembly to pass an act declaring Warner, Allen, and Barker traitors and outlaws, and to address the Governor to issue a proclamation for their arrest. An act was accordingly passed, an address presented, and a proclamation issued offering a reward of £500 to any person or persons who should apprehend them, or either of them, and lodge him or them in any jail, so that he or they, might be brought to trial for the treasonable and outrageous acts committed as aforesaid. The act passed, the address was presented, and the proclamation issued in the spring of 1774. In April 1775 the skirmish at Lexington happened. In May the Congress met, declared war, and ordered an army raised. These three young men, irritated at the proceedings of the New York Assembly, at the Governor of the Province, at the New York patentees, and at the Ministry of Great Britain for settling an *ex parte* line between the two provinces, determined to strike a bold stroke and be revenged on the whole. They secretly collected together between 3 and 400 Green Mountain Boys, appointed all the necessary officers, and took the command of this little army themselves,

marched to, and surprised, the garrisons of Ticonderoga, and Crown Point, as before mentioned. These fortresses were held by the rebels, and greatly strengthened by additional works, until July 1777, when they were abandoned upon the approach of General Burgoyne. The surprise of these forts was a lucky circumstance for Congress. In them were found large quantities of military stores, and battering cannon of all dimensions, as before related, with a mortar called "The Old Sow," of a particular construction, which hove bombs to an amazing distance. Had it not been for this bomb, and some of these cannon, General Washington could never have carried on the siege of Boston. With incredible labour was the bomb, and some of the most heavy cannon, drawn by land to the rebel camp near that place.


Ticonderoga and Crown Point being thus taken, and secured, Allen, Barker, and Warner boldly made their appearance in New York, notwithstanding the act and proclamation aforesaid. And what is remarkable, they were, while there, treated, entertained, and courted, by some of those very people who had been principally instrumental in procuring the act and proclamation aforesaid. From New York they went to Philadelphia, and though they had acted without either commissions, orders, or directions, of Congress, they received the public thanks of that body for the services they had done to "the great and glorious cause ;" and among the most forward for this measure was James Duane Esq., one of the principal patentees under New York. He had been a most strenuous promoter and adviser of the act and proclamation aforesaid, and had most industriously interested himself in procuring the *ex parte* line before mentioned

They afterwards went with General Montgomery upon his expedition into Canada. Barker was killed at St. Johns, Allen was taken prisoner near Montreal, sent to England, and from thence to New York, where he was exchanged. He still lives in Vermont, where he and Warner (who survived the war) are now two of the principal leaders in opposition to the claims of New York and New Hampshire, and in support of Vermont as an independent government, distinct and separate from any other State, and in nowise dependent upon New York, New Hampshire, or the Congress or federal union. They exercise all the powers of government in spite, and absolutely independent, of them all.

In June, 1775, the Americans took possession of, and entrenched upon, a noted place called Bunker's Hill, in the neighborhood of Boston. General Gage, who then had the command in America, ordered General Howe with a large detachment of the royal army to dislodge them. He crossed the Mystic, but in passing Charleston he was fired upon by the rebels, out of the windows of the houses, in consequence of which this noble town with all its sacred edifices were reduced to ashes. Col. Abercrombie, who commanded the Grenadiers, was acquainted with the ground, and lost his life in the action, advised the General to march his army around the hill, where the descent was trifling, and, by getting in the rear, the whole must become prisoners, without, perhaps the loss of a man. But the General was obstinate, would take no advice, and as he expressed it himself, was determined "*to take the bull by the horns,*" and on he marched. To get to the enemy's lines, he had a steep hill to mount, several fences were also standing between him and the



summit of the hill, he had no pioneers to remove the fences ; upon the passing of each fence the ranks were of course broken, and obliged to be formed anew. Notwithstanding all these difficulties, the General, with coolness and intrepidity, pushed up the hill in the midst of a most tremendous fire. As soon as the British reached the top of the hill the rebels hove down their guns, took to their heels and made their escape, leaving about 300 killed and wounded in the trenches. Among the former was their commander, a Doctor Warren, a physician, and a gentleman of sense, character, fortune, and reputation, of amazing influence in the Massachusetts Colony, a flaming republican, an active, zealous, advocate for the colonies, and an avowed enemy to monarchy, to episcopacy, and to Britain. He was, of course, a great loss to the Americans, especially as the war was scarcely begun. General Howe, it is true, gained the victory. But alas, a dear bought victory it was. Not less than 1,200 as brave Britons as ever entered the field were, on that unfortunate day either killed or wounded, most of the latter badly. Nearly 200 officers on that dismal day either lost their lives, or were so desperately wounded as to render them unfit for service the remainder of the campaign. All this happened through the General's obstinacy. This was owing to his "*taking the bull by the horns*;" he had much better have taken him by the tail. Had Abercrombie's advice been followed, all would have been safe. The General was ever above advice, the consequence of which has been deplorable to America. It is remarkable, that after this action the General during the continuance of his command in America, never once ventured an attack upon American intrenchments, he had fatally experienced



the consequences of "*taking bulls by the horns*;" the first was a rugged one, and he constantly, nay, almost timidly, avoided encountering another. Bunkers hill thus conquered, was fortified, garrisoned, and continued in the possession of the British army until the evacuation of Boston the ensuing spring.


In October, 1775, General Gage was recalled from his command in America, and General Howe appointed Commander-in-chief. The whole British army at this time were cooped up in Boston.<sup>1</sup> The Americans closely invested it. No fresh provisions could the Britons get for themselves, nor forage for their horses. On the 17th March, 1776, the General evacuated the town, embarked his troops, nearly 10,000 men, his stores, and the loyal inhabitants to the number of near 2,000, on board the transports in the harbour, without the least obstruction from the Americans whatever. The town was left in good order, no injury was done to the public buildings or private houses. This was said to be in consequence of an agreement between the rebel and the British Generals, that the British should embark without molestation, on the part of the rebels, that Boston should not be destroyed on the part of the British, a fair compromise. The army accordingly embarked, left the harbour, and after a short passage safely arrived at Halifax in Nova Scotia.

Notwithstanding the agreement between the British

<sup>1</sup> Gordon, in his history of the American revolution (vol. ii, page 172), says that Washington in a letter dated January 1st, 1776, expressed himself thus: "It is not perhaps in the power of history to furnish a case like ours; to maintain a post within musket-shot of the enemy for six months together without powder, and at the same time to disband one army and recruit another, within that distance of twenty odd British regiments is more than probably was ever attempted." If this be the fact, the Generals who had the command during those six months must have been very remiss, careless, or in want of necessary information. Surely some deserters must have come into Boston within that time.

and the rebel Generals, in consequence of which the evacuation took place, the Commissaries, Barrack-Masters, Quarter-Masters, &c., plundered the stores of the inhabitants that remained in Boston of property of the value of at least £500,000, which they put on board the transports, carried to Nova Scotia, and disposed of to their own use and advantage. One ship only, the Shrewsbury, commanded by Captain Salmon, carried 150 hogsheads of rum, part only of the plunder of one William Sheriff, at that time Quarter-Master-General to the British army. This anecdote I had from the Captain himself, a man of as much honor, truth, and veracity as ever commanded a ship.

Upon the evacuation of Boston, (whether the fault of the Admiral or General, or both, is more than I know) no men-of-war were left to cruise in Boston Bay to acquaint such victuallers, transports, or merchantmen, who, unacquainted with the evacuation, should attempt the harbor. This was a bad look out. It was (as it might naturally have been expected) attended with very serious consequences. A number of merchantmen from the West Indies, several victual lers, some store-ships, and two transports with 300 Highlanders on board, under the command of Col. Campbell and Major Menzies, not having the least knowledge of the evacuation, pushed for Boston, and were captured in the Bay by a few small privateers fitted out for the purpose. One or two frigates stationed in the Bay would have prevented all this mischief. But a fatality, a kind of absurdity, or rather stupidity, marked every action of the British Commanders-in-Chief during the whole of the American war.



### CHAPTER III.

In June, 1775, General Tryon arrived at Sandy Hook, from England, where he had been for some time with leave of absence from his sovereign. After 12 o'clock the same day Washington, Lee, and Schuyler, three of the first rebel Generals appointed by Congress to the command of their army, the two first on their way to Boston, the latter for Albany to command the expedition then preparing against Canada, arrived from Philadelphia, and were entertained at the house of Leonard Lispenard, Esq., about two miles out of town. Upon this occasion the volunteer companies raised for the express purpose of rebellion, the members of the Provincial Congress, those of the city committee, the parsons of the dissenting meeting-houses, with all the leaders and partisans of faction and rebellion (including Peter R. Livingston, Esq., and Thomas Smith, John Smith and Joshua Hett Smith, the brother-in-law and brothers of William Smith, Esq.) waited upon the beach to receive them upon their landing from the Jersey shore and conducted them up to Lispenard's, amidst the repeated shouts and huzzas of the seditious and rebellious multitude, where they dined, and towards evening were escorted to town, attended and conducted in the same tumultuous and ridiculous manner.<sup>1</sup>

<sup>1</sup> This happened on a Sunday, and while William Walton, Esq., who was Colonel of one of the Governor's Company of Guards, was at church; Rudolphus Ritzema, before mentioned, who had the command of a rebel company of fusileers,

About 9 o'clock the same evening Governor Tryon came up from Sandy Hook, and landed at the Exchange, where he was met and welcomed once more to his Government, by the members of his Majesty's Council, the Judges of the Supreme Court, the Attorney General, the Speaker and Members of the General Assembly then in town, the Clergymen of the Church of England, the Mayor, Recorder and Aldermen of the City, the Governors of King's College, of the Hospital, the Members of the Chamber of Commerce, and Marine Society, with a numerous train of his Majesty's loyal and well affected subjects, who conducted him with universal shouts of applause to the house of Hugh Wallace, Esq., a Member of his Majesty's Council, where he took up his residence for the night. But strange to relate! yet strange as it is! it is nevertheless a fact, that those very people who attended the rebel Generals in the morning, and conducted them from place to place with repeated shouts of approbation, congratulated them on their respective appointments to such principal commands, in so virtuous an army, upon so important an occasion; wished them joy of their safe arrival in New York, prayed God to bless their "great and glorious undertaking," and to grant them success in all their measures in the management of "so great and necessary a war," a war undertaken (as they asserted) for the sole defence of the just rights and liberties of mankind. I must again say, strange to relate! these very men, who had been not

under a false pretence got possession of the colours belonging to Col. Walton's Company, a present from General Tryon, then Governor of the province, and decorated with his arms, which he never afterwards had the honour, the honesty, or the good manners to restore to the proper owner. This was swindling to all intents and purposes, but in those days of anarchy and confusion perfectly justifiable among the ruling powers, as the swindler was a whig, a republican, and a rebel.

five hours before pouring out their adulation and flattery, or more probably the real sentiments of their souls, to the three rebel Generals, now one and all joined in the Governor's train, and with the loudest acclamations, attended him to his lodgings, where, with the utmost seeming sincerity, they shook him by the hand, welcomed him back to the Colony—wished him joy of his safe arrival, hoped he might remain long in his Government, enjoy peace and quietness, and be a blessing to the inhabitants under his control. What a farce! What cursed hypocrisy! A scheme was at this very time laid by these very people to subvert the British Government in the Colonies, in Church and State, and to erect one of their own upon its ruins.

A Provincial Convention, composed of some of these identical people, a thing unknown to the British Constitution, was then sitting in New York. Under their authority troops were then actually raising, in order to form an army to carry on an offensive war against his Majesty's Colony of Quebec, and the officers engaged in this service, were actually receiving commissions from the President of this illegal and unconstitutional body, signed by himself, countersigned by their secretary, by order of the Convention, and a seal of their own formation affixed. But what is still more strange, if anything can be more strange, this very set of people as a body, nay further, even pretending to be a constitutional body, the very next day waited upon the rebel chief, and presented him with an address in the name of all the inhabitants in the Colony, who they had the impudence to call their constituents, and congratulated him on his appointment to the chief command of the American army, wished him success in the great, arduous, and glorious undertaking, prayed

for a speedy conclusion of the war, by a safe, honourable and advantageous peace, and that, when accomplished, his Excellency the General, who had taken up the sword in defence of the liberties of America, and the rights of mankind, would lay it again aside, and return to the gentle pursuits of a private citizen.

Washington and Lee proceeded on their journey to Boston.<sup>1</sup> Schuyler remained some time in New York, in order to see the necessary stores, provisions, ammunition, etc., provided and forwarded to Albany for the use of the expedition against Canada, of which he was by Congress commissioned as Commander-in-Chief. Governor Tryon had hired, and lived in, a house in the Broadway. Schuyler took lodgings with his cousin, his friend, his patron, his adviser, William Smith, Esq., whose house then stood directly opposite the one in which the Governor lived. Schuyler and his father-in-law, John Van Rensselaer, Esq., were under great obligations to Mr. Tryon; he therefore thought it right to pay him a visit, and congratulate him upon his return. But can you conceive it, gentle reader! he had the impudence to dress himself in the regimentals of rebellion,<sup>2</sup> go to the Governor's, and send in word that "*General*" Schuyler would be glad to see him. The Governor, with his usual spirit, returned for answer, *that he knew no such man*. No further attempts were ever after made for an inter-

<sup>1</sup> Gordon says that the troops in Boston being in want of provisions, Gen. Gage sent to New York and Philadelphia for them, with such other articles as the army stood in need of; that the inhabitants of Philadelphia refused to supply them; that three merchants of N. York did, until the influence of Captain Sears put an end to such trade. Gordon omits mentioning that Sears himself, and his son-in-law Paschal Nelson Smith, were *two* of those three, a fact well known in New York.

<sup>2</sup> Blue and bluff, a dress shortly afterwards adopted by the *patriots* in England.

view. Schuyler staid in New York for some time, settled matters with the provincial Convention, as to the supply of the army going against Canada; and all the necessaries being procured and forwarded to Albany, he set off for that place, taking with him two New York rebel regiments raised and commanded by James Holmes and Alexander McDougal.

Smith and the Governor being such near neighbors; the former one of the Council, artful, hypocritical, and cunning; the latter without disguise, open, bold, and brave; Smith being of the Council had free access to the Governor, and made use of all his art, his craft, his cunning and hypocrisy, by fawning, flattering, and cajoling, to ingratiate himself into the good graces of the Governor, the better to disguise and conceal the real sentiments of his heart, and to be of more use to his friends thereafter; a great number of whom being then *warmly* engaged (some in the civil and some in the military line) in carrying on, promoting, and furthering what at that time they openly and publicly called "the great and glorious cause." Notwithstanding which, in all their publications they styled themselves "His Majesty's most dutiful and loyal subjects." Hypocrisy this with a vengeance! But what cannot presbyterians, republicans, and rebels, do, to forward their favourite system, the destruction of monarchy, episcopacy, and the established church.

In August, 1775, a mob, or rather a select party of republicans, of which John Smith and Joshua Hett Smith were the two most forward, collected together in the evening at a public-house, and after swallowing a proper dose of Madeira, set off about midnight with a full design of seizing the Rev. Dr. Cooper, then President of Kings College, in his bed, of shaving his



head, cutting off his ears, slitting his nose, stripping him naked, and turning him adrift (as the expression was). Luckily for the President, a student, who had been out that night, in returning to his chambers overtook these bravoës on their way, and overhearing their conversation, instantly took to his heels, and by turning through alleys, and taking a nearer course than the assassins, he arrived at the President's room just time enough to give him information of his danger. Rising from his bed, and huddling on some of his clothes, he jumped out of a back window, a few minutes before the rascals entered the front door of the College. Having luckily escaped the intended violence, he took refuge in the house of a friend, was concealed till the morning, and then safely conveyed on board one of his Majesty's ships in the harbour, from whence he sailed for England. Upon his arrival he had two livings given him, both good ones, the first in Berkshire, the second at Edinburgh, in Scotland, where he principally resided. One day in the summer of 1785 he went to dine with a gentleman, a particular friend and acquaintance of his, who not being at home, the Doctor repaired to a tavern, ordered a dinner, and while it was preparing dropt down dead.

Among his papers the following epitaph was found.

Here lies a priest of English blood,  
Who living liked whate'er was good,  
Good company, good wine, good name,  
Yet never hunted after fame,  
But as the first he still preferred,  
So here he chose to be interred,  
And, unobserved, from crowds withdrew,  
To rest among a chosen few,  
In humble hope, that divine love,  
Will raise him to the bles't above.

His Library sold for £5, the Liquors in his cellar for £150.

He was buried a few miles from Edinburgh, at the place of depositing the Episcopal ministers who die in that city; this accounts for the words in his epitaph "to rest among a chosen few."

I knew him well. He was honest, just, learned, and liberal; judicious, sensible, friendly, and convivial; he loved good company, and good company loved him; he was by no means dissipated. He loved God, honoured his King, esteemed his friends, and hated rebellion. This tribute is due to my deceased friend. I lived with him for several years in the utmost harmony, friendship, and familiarity. Though he was rather hasty in his temper, I scarcely ever saw him in a passion. Rebellion provoked him of all things. Through his means Kings College was raised in reputation superior to all the Colleges upon the continent, and, under his tuition, produced a number of young gentlemen superior in learning and abilities to what America had ever before seen.

In the beginning of October, 1775, the Governor received information through the means of one of the members of the provincial Congress<sup>1</sup> that it was then proposed to apprehend him as an enemy to America,

<sup>1</sup> Egbert Dumond, Esq., who had been Sheriff of Ulster by commission under the Governor, but had upon his return to England been displaced by Lieut.-Govr. Colden in favor of one of his grandsons. A restoration to the shrievalty Dumond was now aiming at. This accounts for the intelligence. It was uncertain at this time how matters would terminate. Upon the Declaration of Independence this fellow became a great supporter of the measures of Congress. Upon the formation of a constitution for New York by the rebel powers Dumond was reappointed Sheriff of Ulster, soon became an active partizan of theirs, persecuted the Loyalists with unrelenting fury, and was the first Sheriff in the State who under the laws of the usurpation hanged three young men who had been condemned by a mock court for treason, that is, for having espoused the cause of Great Britain.

make him a prisoner, transport him to Connecticut, and there confine him till the end of the war. Alarmed at this intelligence, he prudently withdrew from the town, and took refuge on board the *Asia* man-of-war, then in the harbor. All his business now, as Governor, was done, his visits from his friends received, and his Councils held, on board ship. The Council being appointed by royal mandamus from the Crown, and by the Governor's instructions constituted a privy council, were consulted upon all occasions. All matters of consequence were laid before them, all the information, intelligence, and designs of the Governor, of his Majesty's ships in the harbour, of the Loyalists in the country; all accounts from England of the proceedings and resolutions of the King, the Ministry, and the Parliament, with the operations, schemes, and designs of the well affected to government in the several revolted colonies, were all laid before this board without the least suspicion. If what fame says be true (I will not aver it as a fact, though it was universally complained of among his Majesty's loyal subjects in the city at the time), I say, if the report of fame is to be credited, then every information, intelligence, plan, or intended operations, were as regularly conveyed by William Smith to a republican club consisting of all the ringleaders of rebellion (of which himself, his three brothers, Thomas, John, and Joshua Hett Smith, his brother-in-law, Peter R. Livingston, with several of his most intimate and particular friends, to wit: Peter Van Brugh Livingston, Lewis Morris, Richard Morris, John Van Cortlandt, John Morin Scott, Isaac Sears, John Lamb, and Alexander McDougal were standing members) as they were laid before and communicated by the Governor to his Council; and from this club

carried to the city committee and Provincial Congress, and by them regularly transmitted to the General Congress at Philadelphia, to the rebel Generals before Boston, and to Schuyler at Albany.

In the summer of 1775, a pamphlet, entitled "*Common Sense*" was published in Philadelphia, and industriously dispersed by the emissaries of Congress through the continent. This pamphlet fairly declared to the world that independency was the sole view of Congress. That a republican form of Government was the best in the universe, a monarchical one the worst. That America was abused, insulted, and aggrieved, and affirmed that nothing short of a total and absolute independency could remedy the evils. Men's minds were at this period in a state of agitation. It was subsequent to the skirmish at Lexington, in which the first American blood was spilled. The greatest part of the thirteen colonies were under the direction of Congress, of provincial conventions and committees of all kinds. The King's Courts indeed were open, but no business was suffered to be transacted in them, but that on the criminal side. An army was raising under the orders and direction of Congress. They had published an inflammatory declaration setting forth the causes of their having recourse to arms. It was, in short, a declaration of war against Great Britain. The publication of *Common Sense* at so curious a time (considering the doctrine it contained, avowed, justified, and promulgated) the Loyalists in New York were apprehensive might be attended with mischievous and fatal consequences, unless fully and particularly answered. A pamphlet, therefore, in answer to the one called *Common Sense*, was accordingly written, in which the fallacy of every argument

contained in *Common Sense* was fully refuted. In short, it was an unanswerable production. Great pains had been taken in its fabrication, and all the sophistry of Congress could never have made a proper reply to it. A shorter method was taken. Loudon, a printer in New York, though a zealous presbyterian and warm republican, and a great promoter of Congressional measures, undertook, no doubt for the love of gain, to print the pamphlet, and dispose of the books. He accordingly advertised in all the papers that he had then in his press an answer to *Common Sense*, that would on such a day be ready for sale, at such a price. This was sounding the alarm. The leaders of the republican faction took it. A meeting was summoned, the parties met, and after swallowing (at the house of Jasper Drake, a tavern-keeper upon the dock, and father-in-law to Isaac Sears before mentioned) a sufficient quantity of Rumbo,<sup>1</sup> about twelve at night they sallied forth, headed by Alexander McDougal, John Morin Scott, Isaac Sears, John Lamb, Peter R. Livingston, the brother-in-law, and John Smith and Joshua Hett Smith, full brothers of William Smith, and a few other warm, inveterate republicans, attacked the house of the printer, broke open the doors, pulled him out of his bed, and forcibly seized upon and destroyed the whole impression with the original manuscript. This act was publicly boasted of, the next morning, as an act of heroism, of patriotism, and of virtue. These were the people contending for *liberty*. They engrossed the whole to themselves and allowed not a tittle to their opponents, they published whatever they pleased, and threatened destruction to any printer who should dare to print

<sup>1</sup> A kind of strong punch made chiefly of rum.

an answer to any of their inflammatory, detestable publications. The day after the performance of the foregoing *noble, manly, spirited enterprise*, each printer in the city received the following billet:—

“Sir, if you print, or suffer to be printed in your press anything against the rights and liberties of America, or in favour of our inveterate foes, the King, Ministry, and Parliament of Great Britain, death and destruction, ruin and perdition, shall be your portion.”

“Signed, by order of the committee of tarring and feathering.

“LEGION.”

From this time no publication, in pamphlet or book form, ever appeared in New York, unless from England, in favour of the cause of Britain, or in opposition to the tyranny of Congress. Had a printer attempted anything of the kind, his life would not only have been in danger, but his property would have been destroyed, and his family ruined. Glorious days these! and yet the Congress, the provincial Conventions, and the Committees in all quarters had the impudence to approve, applaud, and publish such proceedings as the real acts of true, genuine liberty.

Shortly after the above transaction James Rivington, a printer in New York, having made himself obnoxious to the favourers of Congress, and the promoters of their despotic, arbitrary, disloyal, treasonable, and rebellious measures, by printing in favour of Government, and in opposition to congressional proceedings, was pitched upon as a proper object to wreak their vengeance upon, and by such means to deter all persons within the thirteen colonies from publishing anything in favour of the King, the Ministry, or the Parliament of Great Britain. In consequence of which, the

aforesaid Isaac Sears (who, apprehensive of danger, as matters were drawing towards a crisis, removed with his family from New York and settled at New Haven in Connecticut) formed a plan, in conjunction with the mob leaders in New York, to break Rivington's press. In pursuance of which, and a day being fixed upon, Sears set off from New Haven as commander of a select body of the disaffected crowd for the purpose, and arrived at New York at the time appointed. Alexander McDougal, Peter R. Livingston, John Smith, and Joshua Hett Smith, the brothers of William Smith, Esq., and some others of the principal leaders of the New York *Mobility* had collected a party upon a parade before Rivington's door (which being a place of public resort no notice was taken of the unusual numbers at that time assembled). Notice being given Sears before he reached the suburbs of the city, that all was ready, he triumphantly entered the town at the head of about 200 men well mounted, and all proceeded directly to Rivington's, entered his house, demolished his printing apparatus, destroyed a part and carried off the remainder of his types. This piece of wickedness, of injustice, and villainy, being performed, Sears with his cavalry rode off, receiving from the mob collected, as before mentioned, three cheers, to which his party returned the compliment.

This public robbery being effected, Sears proceeded back to New England. On his way he stopped at Westchester, and made prisoners of the Rev. Dr. Seabury, an Episcopal Clergyman of that County, and Nathaniel Underhill, Esq., Mayor of the Borough of Westchester.

The former having the spirit to remonstrate in just and severe terms, against this manifest piece of injustice, was not only insulted himself by the brutes, but

they abused his wife, and actually beat his eldest daughter, for daring to speak in favour of her father. He stopped again at East Chester (about six miles distant from the former) where he forcibly entered the house of Jonathan Fowler, Esq., one of the Judges of the Superior Court of Common Pleas, and Colonel of one of the battalions of militia for the County, broke open his house, and after robbing him of his sword, his gun, and his pistols, conducted them all three into Connecticut. Upon his arrival at New Haven, the three prisoners, an Episcopal Clergyman, the Mayor of a Borough, and a Judge of the Court of Common Pleas, were carried in triumph through the whole town, and stopped at every corner for the gaping mob to insult and abuse as New York tories. This military parade being ended, they were all confined in a public house under a strict guard, where every low lived wretch for ten miles around the country, had free liberty to enter their apartments at pleasure, and to treat them with the vilest language, accusing them as enemies to their country, as the friends of a tyrant, and betrayers of the liberties of America. Complaints were made to the magistracy, they had no effect; to the Council of safety with as little. They petitioned the Assembly—the petition was negatived; an application was made to the Governor—it was none of his business was the answer. No redress was to be had, the Courts of Justice, it is true, were open, but shut to all intents and purposes against tories, that is, Loyalists. They were not suffered to carry on any prosecutions, or commence any suits in that colony against any trespassers, rioters, or other breakers of the peace, if done in the cause of rebellion, or in defence of an unconstitutional Congress. These gentlemen



after being detained as prisoners for many weeks, at a heavy expense to themselves (no provision being made for their maintenance), and absent from their business, their families, and avocations, were discharged and suffered to return home without the least compensation being made for the damages they sustained, and without being ever permitted to prosecute the persons by whom they had been robbed, plundered pillaged, insulted, and imprisoned, for no other reason than acknowledging themselves (as they really were) the lawful subjects of the King of Great Britain.

In January, 1776, the Continental Congress, ordered Gen. Hurd, a low tavern keeper at Woodbridge in New Jersey, with 1500 men to invade Queens county upon Long Island (a great majority of the inhabitants having refused to join in, or have anything to do with, Congressional measures), to disarm the people, and take away their ammunition. This order was effectually, and rigorously carried into execution. Every loyal subject within the county was robbed, not only of his arms and ammunition, but of whatever else the rebel officers and soldiers could lay their hands upon. After continuing in the county for several days living upon free quarters, and ransacking every part of it, Hurd marched back with his army, loaded with the spoils of his Majesty's loyal subjects, carrying away with him a number of the principal inhabitants of the county as prisoners.<sup>1</sup> These he delivered up to the

<sup>1</sup> Among these were Daniel Kissam, Esq., one of the representatives for the county. John Willett, Esq., one of the Judges of the Superior Court of Common Pleas. Thomas Smith and Samuel Clowes, Esqs., both in the commission of the peace, Dr. Samuel Martin, a gentleman of a most amiable character, and of one of the first families in the county. He was originally from Antigua, where the family still hold large possessions, but had been settled in this county for many years; Dr. David Brooks, Captain Shoals and Captain Hallett, with several others. They were all principal people, strict Loyalists, and consequently obnoxious to rebellion.

Congress at Philadelphia, where they were confined for several weeks, and then sent back under a guard to the provincial Congress at New York, by whom they were confined and kept under a close guard for several weeks more, in a little dirty tavern, in a most unhealthy part of the town, with a drum constantly beating at the door of the apartment in which they were confined. (But one room was allowed for the whole.) After spending weeks in this horrid, hellish and disagreeable manner, they were discharged upon parole, an instance this of rebel generosity.

It is worthy of observation, that Hurd with his troops, passed from Elizabethtown in New Jersey across the bay in the daytime, landed at the Whitehall in New York early in the evening, and marched with drums beating, fifes playing and colors flying, through the City, and took possession of the upper barracks. After recruiting and refreshing his troops for twenty-four hours he marched to Horn's hook, passed Waldron's ferry, landed upon Long Island, and entered the county, the object of the expedition. He met with no interruption in the whole of this manœuvre, though four British men of war were then in the harbor, and their passage across the bay, as well as their transportation to Long Island might have been prevented with the utmost ease. Hurd continued in the county for nearly a fortnight. The King's fleet had the command of all the waters surrounding Long Island, and every boat might have been destroyed. The retreat of Hurd and his army would, in such case, have been impossible. The marines might have been landed, and in conjunction with the loyal and irritated militia of Queens, captured the whole corps. Instead of which no steps were taken by the men-of-war, and Hurd

peaceably returned with his army, his prisoners, and plunder, the same way that he came, without the least interruption whatever. Upon this thieving, plundering expedition, as no danger was apprehended, a number of the young republican gentry of New Jersey and New York, honoured themselves in serving as volunteers, and among those from New York, besides many others, were the before-mentioned John Smith and Joshua Hett Smith, the brothers of William. These volunteers gained great applause by their conduct and heroism upon this expedition. They were extremely alert at plunder, refined in acts of cruelty and persecution, and treated every loyalist with insult and abuse. For these meritorious services they afterwards received the public thanks of the honourable the Continental Congress.

## CHAPTER IV.

In December, 1775, Congress ordered General Schuyler (in violation of a most solemn treaty, entered into by Commissioners appointed by themselves, and the Six united Indian Nations at Albany, the fall preceding, by which it was stipulated and agreed, that the Mohawk river should be left open for trade, that no troops should be sent into those parts, and that Sir John Johnson should remain untouched, unmolested, and undisturbed, by Congress or any persons acting under their orders, in consequence of which the Indians engaged to continue peaceable, and in a perfect state of neutrality; a treaty executed by each party with all the pomp and solemnity usual with the Indians upon such occasions, and afterwards fully and absolutely ratified by Congress), to march with the Albany, the Ulster, and some New England Militia, amounting to about 4,000 men, into Tryon County, to disarm Sir John, the loyal inhabitants of Johnstown, and to break up a settlement of Highlanders then forming upon a part of Sir John's large estate in that county. The committee at Albany, to whom the management of this expedition was recommended, were for some time at a loss, or as Schuyler himself

expressed it in his letter to Congress, puzzled, for a pretence to obey the orders of Congress by carrying the expedition into execution. But Sir John having built some months before a small island in a duck pond contiguous to the Hall, a poor ignorant, illiterate fellow was prevailed upon by the Albany committee, (and perhaps paid for it besides), to swear, that this little island contained within its bowels several thousand stand of arms, that the deponent was present, saw and assisted in the putting them in, and covering them up. This affidavit, which did not contain a single word of truth, was made, as Schuyler mentions in another letter to Congress, the ostensible reason for undertaking the expedition. The real truth of this iniquitous business was a design formed by Congress to rob and plunder Sir John, the loyal inhabitants of Johnstown, to break up and destroy the Highland settlement, and to impress the Indians with an idea of the amazing power of Congress, and to gratify at the same time the malice and satiate the vengeance, of some individual members of that body who were vexed, piqued, and chagrined, at the Highlanders having preferred a settlement upon Sir John's land in preference to their own.<sup>1</sup> This these selfish and disappointed persons had the impudence to call "patriotism."

The army was assembled at Albany, reviewed by Schuyler, marched to Schenectady, from thence to Cognawaga, and so on to Johnstown. Sir John, with a few domestics, and some friends then at the Hall, stood upon his defence. The Indians appeared as mediators. They complained of the breach of the violation of a solemn treaty so recently made, so

<sup>1</sup> Philip Livingston, James Duane, and Isaac Low, three of the delegates from New York who had large tracts of unsettled land in the same county.

sacredly entered into by the contracting parties, and so solemnly ratified by the sachems of the Six united Indian Nations, and by Congress, the sachems of the thirteen revolted colonies. It had no effect, Schuyler was in their country, and there at the head of 4,000 men in arms. Articles of capitulation were at length proposed, litigated, settled and signed, by which Sir John, the inhabitants of Johnstown, and the Highlanders surrendered their arms and ammunition. They were to be exempt from plunder, and all the Kings stores in the possession of Sir John were delivered up. The business thus finished, Schuyler began his march back for Albany, taking away with him, all the leading men among the Highlanders as prisoners; but stopping in the suburbs of Johnstown, he pretended that the Scotchmen in delivering up their arms had omitted some leathern pouches, and a few dirks;<sup>1</sup> he therefore sent back and demanded them. The Highlanders denied the charge. Whether this was a thought of his own, or the contrivance of some other person, has been hitherto undiscovered, but from Schuyler's well-known character, and the antipathy and hatred of himself, and all his connections to the Johnson family, it requires no great conjuration to find out from whence the scheme originated. This was all that was wanted. It was now suggested that the capitulation was broken; permission was therefore given to the army to plunder; they accordingly pillaged Sir John, the inhabitants of Johnstown, and the Highlanders, in which indiscriminate plunder none were exempt. Men, women, and children all fared alike. They even robbed the Episcopal Church, destroyed the organ,

<sup>1</sup> Something similar to this was afterwards made use of by Congress to justify the scandalous breach of the Saratoga Convention.

and in their lust for plunder, broke open the vault in which were deposited the remains of the great, the good, the brave, old Sir William, and scattered the bones about the sacred edifice. This done, the army returned to Albany, divided the plunder, and were disbanded. For this meritorious piece of service Schuyler received the thanks of Congress. From the destruction of a large flock of peacocks which Sir John had upon his farm, and the whole army decorating themselves with the stolen feathers, the loyalists in that part of the country gave it the name of "*Schuyler's Peacock Expedition*," by which it is still known, and perhaps ever will be. The laurels gained in this pious expedition were the only ones reaped by the magnanimous General Schuyler during the whole course of the American war.

After this, the committee of Albany designedly employed themselves in harassing Sir John as much as possible. If an Indian was seen with a new coat, a new blanket, or a new hat, Sir John was summoned to Albany, and strictly interrogated how the Indian came by it. He was sometimes ordered down twice in a week. The distance between Johnson Hall and Albany is at least 40 miles. This was vexatious; it was done to give Sir John as much trouble as possible. He at length grew angry at such barbarous and irritating usage, and being a man of spirit, was consequently chagrined at the treatment he was constantly and repeatedly receiving from a set of common fellows who composed the Albany committee, a pack as much below him, as they were themselves superior to the wolves that prowled the woods. He therefore took the resolution of leaving that part of the country, and accordingly in the month of June following, with a few

loyalists, and some steady true friends of the Mohawk Indians, he left the Hall and went through the woods without pursuing any of the usual routes, and safely arrived in Canada after a fortnight's journey. The deserts he passed were in many places almost impenetrable. Sir Guy Carleton, then Governor of, and Commander-in-chief in, Canada, received him with open arms. As he was bold, resolute, spirited, brave, and active, well acquainted with the frontiers of New York, and in high estimation among the inhabitants, he was an acquisition to Sir Guy. He gave him a commission to raise two Battalions of 500 men each, of which he was appointed the Colonel commandant. Sir John had the recommendation of his own officers, and he made a most judicious choice ; in consequence of which his Battalions were soon complete, and principally consisted of loyalists from the Counties of Albany, Charlotte, and Tryon, where Sir John was well known, and his honour, his justice, his virtue, and generosity held in as much estimation as were those of his father, the hospitable old Sir William, in his lifetime. Sir John continued in Canada during the whole war (the winter of 1776 excepted, which he spent in New York), and behaved with a spirit, a courage, an intrepidity, and a perseverance, scarcely to be equalled. He did more mischief to the rebel settlements upon the frontiers of New York than all the partizans in the British service put together. He was ever out and always successful. He was so much beloved by the Mohawks, whose castles and settlements were in his neighborhood, that the whole nation to a man followed him into Canada, and attended him in all his excursions during the war. For this the rebels seized upon their lands, burnt their churches, destroyed their towns, and de-



molished their castles. They are now settled in Canada, where they have land assigned them by an order from Great Britain, whose King they still call their Father. They were always the steady friends and allies of England. They have joined her standard in every war since the settlement of America. Yet the lands, the property of these firm friends and steady allies, were by Lord Shelburne's peace absolutely and totally surrendered and ceded to the rebel States without a condition, a term, or a stipulation in their favour ; and this too, after an eight years' war, during the whole course of which they had taken an active and decided part in favour of the British cause, had lost many of their men, and some of their principal sachems.

No sooner had the Committee of Albany intelligence that Sir John was gone to Canada, than a detachment of continentals was sent up to the Hall, with orders to make Lady Johnson a prisoner and bring her to Albany. This was accordingly done. The mansion was completely plundered of all its contents. The farm in Sir John's own occupation was robbed of his cattle, his negroes, his horses, hogs, sheep, and utensils of husbandry. His carriages were taken away, his papers of every kind (some of the utmost consequence) were stolen or destroyed, and all his slaves carried off. This done, Lady Johnson was escorted under a guard to Albany, a lady of great beauty, of the most amiable disposition, and composed of materials of the most soft and delicate kind. Besides this she was more than seven months advanced in her pregnancy. She was suffered to go to Albany in her own carriage driven by a servant of her own. But in order to add insult to insult, she was obliged to take the Lieutenant who commanded the detachment into

the carriage with her, who was now converted from a mender of shoes in Connecticut, into an officer holding a commission under the honourable the Continental Congress. Thus was Lady Johnson conducted from Sir John's seat to Albany, guarded by a parcel of half-clothed dirty Yankees, and squired by a New England officer, by trade a cobbler, as dirty as themselves, until he had decorated himself with a suit of Sir John's clothes, and a clean shirt, and a pair of stockings, stolen at the Hall. A younger sister, and two children accompanied her ladyship to Albany. Lady Johnson had relations of opulence and interest in Albany, through whose influence she was permitted to reside with a venerable old Aunt, with this positive injunction, *not to leave the city under pain of death*. She was, however, not in a condition to leave the town, had she been so disposed. She was also given to understand that if Sir John appeared in arms against the Americans, retaliation should be made, and she should be the object, and her life depended upon her husband's action. What inhuman, unfeeling conduct! And yet these were the people who during the whole war boasted of their humane, generous, behaviour, and taxed the British and Loyalists as butchers, cut-throats and barbarians.

Lady Johnson being safely delivered, perfectly recovered, and the Kings troops having defeated the rebel army upon Long Island, and at the White Plains, taken, and in possession of, all York Island, Staten Island, Long Island, a part of Westchester, almost the whole of New Jersey; and Washington with the remains of his scattered army gone to the southward; the Albany committee began to cool, and upon her ladyship's application to them for permission to go to

New York, she was referred to the *Provincial Congress*, which was then sitting at the Fish Kills, a small neat Dutch village, situate upon the eastern bank of the Hudson, nearly midway between New York and Albany. A pass for this purpose was given her, it was the latter end of November, when the weather is in general very severe. In consequence of her permission and pass, she left Albany, her sister accompanied her, she had no male friend or servant to attend her, she got safe to the Fish Kills, and made her application. It was unanimously rejected in a manner, infamous, scornful, and brutish. Upon her arrival at the Fish Kills, she thought it best, prior to her application to the convention as a body, to apply to James Duane, Esq., one of the members, and intercede with him to use his interest to procure her permission to go to New York. Mr. Duane was an intimate acquaintance of her ladyship's father, Mr. Watts of New York, who had been his patron, his friend, his protector, and in whose family he had been for many years as familiar as in those of his nearest relations. Lady Johnson was of course well known to him. Duane, being the descendant of an Irish father, and having purchased large tracts of land in the County of Tryon, had been particularly noticed, entertained, and most hospitably treated, and assisted by Sir William Johnson,<sup>1</sup> the father of Sir John, in the settlement and improvement of his lands. Upon the death of Sir William, which happened in July, 1774, Sir John appointed him his Attorney and Counsel to transact all law matters whatever relative to the estate of his deceased father, a lucrative appointment. To this *being* did Lady Johnson (with all the meekness of a lamb, with a figure as

<sup>1</sup> Sir William Johnson was a native of Ireland.

delicate as imagination can conceive, and with those bewitching smiles ever attendant upon her intellectual face) apply for his interest and influence with the convention for leave to go into New York. He received her with a haughty, supercilious air.<sup>1</sup> She, with a tongue equal to that of a siren, with an infant in her arms, recounted the favours he had received, and the great intimacy that had for many years subsisted between him, her father, her late father-in-law, and her husband. He scarcely asked her to sit down, treated her with incivility and impoliteness, and with a countenance as black and grim as Milton's Devil, told her, "*that private friendship must be sacrificed to the good of the public, and no favours were to be expected from him.*" What base ingratitude!

Upon the rejection of Lady Johnson's application by the Provincial Congress, they gave her liberty to take up her residence with the family of David Johnson, Esq., an old acquaintance of her father's, who lived at the Nine Partners,<sup>1</sup> Patent in Dutchess County, about 16 miles to the east of the Hudson, or with that of Cadwallader Colden, Esq., another of her father's friends, who lived at Coldenham, in Ulster County, about 12 miles distant from the western shore of the Hudson. The latter was her choice. She was given, however, to understand, that if she attempted to escape, and should

<sup>1</sup> This Genius was, before the war, one of the greatest time-servers—haughty, proud, and overbearing to his inferiors, and sycophantical to a degree of servility to his superiors, or to those who could serve his ambitious purposes, and if his own brother could be believed, *not over honest*. But this might be owing to his profession—he was a lawyer. Being married in the Livingston family, disappointed in an application to Lord Dunmore, and in another to Genl. Tryon, to be made one of his Majesty's Council, and his determination to be a great man, all combined to hurry him down the stream of rebellion. Upon the evacuation of New York in 1783, he was made Mayor of the city. The Marquis De Chastellux in speaking of him says *he is civil, jovial, and drinks without repugnance.*

be retaken, she should be treated with the utmost severity; or if Sir John appeared in arms and entered the State as an enemy, she must expect to be made the victim of retaliation for his conduct. Is it possible that anything could be more cruel, in a Christian country? Savages and barbarians would even shudder at the thought. Yet these were the people who called themselves the lambs of God, asserted they were contending in a righteous cause, and fighting for the rights of mankind. Lady Johnson possessed great resolution. She was not terrified with their threats. She removed to Mr. Colden's, and the first thing she did, was to hire a faithful honest Loyalist, to go to Johnstown with a message to an honest, trusty loyal tenant of Sir John's with directions to be with her at such an hour with a sleigh and a pair of good horses. (It was now the middle of January, and the whole country covered with snow.) Lady Johnson and her sister procured dresses, by way of disguise, and appeared in the characters of common country wenches. The messenger was true to his trust, and the tenant appeared at the appointed time. Lady Johnson and her sister set out in the evening, travelled all night, and the next morning arrived safe at Paulus Hook, a British post upon the west side of the North River, and directly opposite to New York. Here Sir John met her, and conducted her to the City, since which they have never parted. She went with him the next spring from New York to Canada, has been twice with him to England and twice returned to Canada, where they are now (1787) living in splendour, affluence and reputation, and her ladyship the very idol of the people. Sir John is his Majesty's Superintendent of Indian Affairs in that part of the country.

A particular anecdote must be here related. Lady Johnson and her sister, disguised as before mentioned, stopped upon the road at a public house for a little refreshment. In this house there happened to be a party of rebels, and among them a Major Abeel of the Continentals, who had served Lady Johnson's father in the character of a clerk for many years, and was as well acquainted with her as with a sister of his own. Her Ladyship recognized him the moment she entered the room, and he steadily fixed his eyes on her. And after sitting for some time, the Major says, "Your face, madam, seems very familiar to me, I must have seen you somewhere." Lady Johnson with great coolness, and an amazing presence of mind, answered, "very like, I lived in New York before the war, my name is Kip. I left it upon the defeat of our army on Long Island, have been in the country ever since, and am going into Jersey to see some relations that live at Newark." The Major asked no further questions, and her Ladyship soon took herself away. Whether Abeel knew her or not is uncertain. She has a countenance not easily to be disguised. If he did really know her, and concealed his knowledge out of friendship to her father, herself, and family, he has great merit, for had he taken, and returned her, to the Provincial Congress, he would have been most generously rewarded; but as there was, during the war, so little generosity and friendship shown by rebels to loyalists, I suspect he was fairly deceived by a story told by her Ladyship with so much coolness and deliberation.

## CHAPTER V.

EARLY in February, 1776, General Lee arrived at New York, with a detachment of the grand rebel army from Boston, under orders from General Washington to fortify the city, swear the tories, and take their property; which orders were as punctually as they were rigorously, wantonly, and cruelly carried into execution. Upon his arrival in New York he took up his lodgings at a Mrs. De La Montaine's, who kept a public house upon the Common. Here he was supplied with his provisions and liquor, here his headquarters were established, here his friends, his suite, and his principal officers, were all entertained and feasted; the whole was at the poor woman's expense. When this General was ordered to the southward upon General Clinton's invasion of the Carolinas, Mrs. De La Montaine presented him her bill. He damned her for a tory, cursed her for a bitch, and left the house without paying her a sixpence. While this immaculate General had the command in New York, about 200 pieces of heavy cannon, which were mounted in Fort George and upon the Battery, were forcibly taken away by his orders, and lodged upon the Common facing his quarters. But lest, upon the arrival of the

British army, they should be retaken, he ordered them carried up to King's Bridge, about 14 miles from New York. The persons employed in this service wanting horses, applied to the General to supply the defect. An honest, a virtuous man, and a Christian, will shudder at the answer: "Chain 20 damned Tories to each gun, and let them draw them out, and be cursed. "It is a proper employment for such villains, and a punishment they deserve for their *eternal* loyalty that they so much boast of."

In March, 1776, Congress sent one Hopkins as Commodore of a rebel fleet, under a Congress Commission, from Philadelphia to the Bahama Islands, who surprised Providence, the principal of them, and the seat of government; robbed the inhabitants, and brought away the Governor, his secretary, and several other gentlemen prisoners, with all the artillery and other military stores which they could discover upon the island. This circumstance is mentioned because at this very time Congress was, in the name of the continent, and the respective provincial conventions in the name of their respective provinces were, acknowledging themselves the loyal, faithful, and dutiful subjects of his Majesty George the Third, and the Bahama Islands had no more to do with the thirteen disaffected Colonies, or they with them, than they had with Gibraltar or Morocco.

In the beginning of the April following, General Washington entered New York with the main body of the rebel army from Boston, took possession of the city, converted it into a garrison, pulled down houses, dug up streets, built fortifications, and threatened, robbed, confined, imprisoned, and banished his Majesty's loyal subjects without mercy. It was at this time



uncertain where General Howe was gone with his army after evacuating Boston. Most people thought he would come directly to New York. The Loyalists wished it. The rebels expected it. They were all mistaken. New York being now taken, and reduced to a rebel garrison, the Loyalists, as also the republicans, moved with their effects into the country. They had different motives. The Loyalists that they might be ready to join the British army whenever it arrived. The republicans to be out of harm's way in case the royal army should attack the city, and because they knew (which was then a secret to the Loyalists) that a resolution had been entered into the preceding year by a committee from Congress, and a committee of the New York provincial convention, and solemnly ratified by both, to burn the city of New York if the rebel army should be obliged to abandon it.<sup>1</sup> The town being thus forsaken, the inhabitants took refuge, some in one place, and some in another. Numbers of the Loyalists settled upon the west end of Long Island (chiefly in the loyal county of Queens), upon Staten Island, along the adjacent shore of New Jersey, and in that part of the County of Westchester which adjoins the Island of New York, in daily expectation of the arrival of the royal army. The republicans seated themselves in Connecticut, in the presbyterian parts of

<sup>1</sup> Andrew Allen, Esq., one of the delegates in Congress for the City of Philadelphia, a trooper in the militia of that city, and formerly Atty.-General of the Colony, was one of this pious, righteous, and godly, Committee; he continued a most violent advocate for Congressional measures until the Royal Army had taken Staten Island, Long Island, York Island, and the whole province of New Jersey, compelled Washington, with the broken remains of the Rebel Army, to pass the Delaware and scamper to the southward. He then came into the British lines, took the benefit of Genl. Howe's proclamation, swallowed the oaths of allegiance to the King, renounced those he had taken to Congress, went to England and was compensated with a pension of £400 sterling per annum.

New Jersey, and the republican counties of Dutchess, Ulster, and Albany, in the province of New York, to be out of the way, in case the royal army should attack the town, or the rebel army burn it. Upon this occasion, William Smith, Esq., accommodated General Washington with his house in town, his brother Tom did the same with his to General Gates, and retired to Haverstraw, in Orange County, about 30 miles from New York, upon the banks of the Hudson, where they had each a farm and a country seat.

In the packet which arrived at Sandy Hook early in May, 1776, came a Mr. Temple, full brother to John Temple,<sup>1</sup> Esq., now (1786) Sir John Temple, and

<sup>1</sup> It seems to have been the policy of Great Britain, from the commencement to the conclusion of the war, to provide handsomely for those who had been active rebels, and leave the poor Loyalists who had lost their all in the cause of their sovereign to languish out miserable lives upon trifling pittance, while those who had been in *actual rebellion* were caressed, genteelly pensioned, and lived upon the fat of the land. As witness the said Andrew Allen, General Arnold, Isaac Low, Joseph Galloway, and a number of others needless to mention. John Temple, Esq., must not, however, be forgotten. He was always an advocate for the Americans during the rebellion, fomented and encouraged it; avowed his sentiments openly and publicly; was one of the T's which the *patriots* in London used to give as a favourite toast, and drink in three times three. Yet this man upon the conclusion of the war was made Consul-General to the American States, with a salary of £1,500 per annum. Surely a Loyalist might have been found of as much virtue, honor, honesty and integrity as Mr. Temple to have filled so honourable and lucrative a post. This gentleman, when commissioners were sent to America in 1778, offering almost a "carte blanche" to the Americans, procured from ministers a large sum of money to enable him to go to America, under pretence that his influence there was so great that he could easily prevail upon the States to accept the proffered terms. He went to Boston, proved himself a whig persecuted by Great Britain, from thence to Congress, never saw the commissioners, spent the money, and returned to England; did no good in America, but much harm, and is now in full enjoyment of an office of great consequence, under that government which he opposed with all his might during the rebellion. The Marquis De Chastellux, in his travels through America, speaking of this gentleman, says: "When I was at Boston this gentleman was there, and held himself "up in every paper in which he could get admission as a paragon of American patriotism, as the most active and inveterate enemy to England, and as a victim to "British vengeance, which he endeavoured to prove by paragraphs from the English "prints, of his treachery to England, of his dexterity in outwitting the ministry of

Consul-General from Great Britain to the American States. The packet was detained at the Hook. Mr. Temple, from his connections being suspected of going to Congress with intelligence from England, he was therefore brought on board one of the King's ships, his baggage and himself searched ; nothing was discovered. He went through a close and critical exam-

"that country, all this did he say, assert, publish and declare when in America. Yet "no sooner was peace established than, to the surprise of all honest men, this very "gentleman, equally detested by and obnoxious to both countries, was dispatched as "the sole representative from Britain to America, of which he is a sworn citizen, and "his father-in-law, Bowdoin, a patriot, a whig, and then Governor of the Massa- "chusetts." It is impossible to add to the folly and infamy of such a nomination. The choice of an Ambassador to the Congress would have fallen with more propriety on *Arnold*. His was a bold and single act of treason, Temple's political life a continued violation of good faith. The following are copies of the letters which Mr. Temple, upon his arrival in America, procured and carried to Congress. John Trumbull, who had been an officer in the rebel army, and was supposed a spy in England, on the 8th of September 1780, wrote thus to his father, the rebel Governor of Connecticut : "I write this at the request of Mr. Temple, who means to "follow soon to America, and wishes to be received as a deserving friend to his "country. His residence in this Country since he left Boston has been essentially "serviceable to the cause of America, by giving such ideas of her resources as have "preserved her friends and staggered her enemies. The Duke of Richmond, "Mr. D. Hartley, Dr. Price, and others of similar dignity and principles are "his acquaintances here, and among such names his principles or integrity cannot "be doubted."

When Mr. Temple was in America, in 1778, when the commissioners were there, the Council of Massachusetts Bay, in a letter to the President of Congress, expressed themselves thus : "John Temple having given a most explicit declaration "of his principles, this Board therefore considering the laudable conduct of Mr. "Temple, his exertions to counteract the tyranny of Britain, his kind offices exercised in favour of America, while in England, at the risk of his life, the loss of a "profitable commission under the Crown in consequence of his attachment to his "country, we therefore take this opportunity to recommend him to the notice of "the honorable Congress, as he intends to pay his respects to them."

The State of New Hampshire, in a letter to the President of Congress about the same time, express themselves thus : "John Temple, Esq., late Lieutenant-Governor of this State, being about paying his respects to Congress, we beg leave to "recommend him as a gentleman who has been steady and uniform for many "years in his faithful attachment to the rights and liberties of his native country, "and who we have the greatest reason to believe, retains the same warm and affectionate regard for those rights and liberties that he hath upon all occasions constantly expressed."

Mr. Winthrop professor of Philosophy at Cambridge College near Boston, in a

ination from General Tryon, General Skinner (then Attorney-General of New Jersey), and Colonel Fanning (then Secretary to Governor Tryon), but nothing criminal appearing he was discharged. Tryon, who had in matters of this kind as many eyes as Argus, was fairly outwitted. Temple was represented as a madman. He might have been so, but his conduct, his

letter dated about the same time to John Adams, a delegate in Congress, recommends Mr. Temple to him, mentions his early attachment to the cause of America, his uniform behaviour in that cause, his invariable opposition to those wretched incendiaries who prevailed upon Britain to use coercive measures to enforce her tyranny in America, the important services he rendered America when in England.

James Bowdoin, Esq., at that time Lieut.-Governor of the Massachusetts, in a letter to Samuel Adams, a delegate in Congress, says, "Mr. Temple is arrived, that he intends for Philadelphia to pay his respects to Congress, that he was received upon his arrival with the cordiality and friendship due to a man who had given the fullest proof of his firm and undeviating attachment to America, to its liberties and independence, and his steady opposition from the commencement of the war, to the tyranny of Britain."

Mr. Temple on his way to Congress waits upon Governor Trumbull of Connecticut, who writes to the President of Congress thus, "This will be delivered you by John Temple, Esq., he has suffered much for this his native and much injured country, he appears a warm and real friend to our American liberties and independence. I recommend to your regard, trusting he will meet the esteem and respect due to his services, sufferings and merit."

As Mr. Temple proceeds towards Philadelphia he calls upon General Washington at Fredericksburgh, in the State of New York, who, in a letter to the President of Congress, says, "John Temple, Esq., will deliver you this, from his recommendations I consider him as a gentleman of sense and merit, and of warm attachments to the rights of his country, for which he appears to have suffered greatly in the present contest."

Mr. Temple next makes his application to William Livingston, the rebel Governor of New Jersey, who writes to the President of Congress, thus, "John Temple, Esq., from his abundant testimonials, and from his conversation, has convinced me of his attachment to, and sufferings for, the cause of America. I believe Mr. Temple to be able and willing to serve our cause, and am sure Congress has sufficient judgment to distinguish our friends, and sufficient gratitude to reward their merit." This is the man that cajoled Lord North out of some thousands to make a peace with America in 1778. This man went thus recommended to Congress, the foregoing letters speak for themselves, what did he do? Nothing. Went to America, was caressed by the rebels, by Congress, and the American Army, returned to England, laughed at Lord North, and was made Consul General of America by Mr. Pitt. A pretty reward for a man who, for several years, had endeavoured to ruin Great Britain!—*Vide the Political Magazine*, vol. 1st, page 740.

behaviour, and his art, showed no traces of it upon his examination. No sooner was he discharged by the Governor, and safely arrived in New York (then a rebel garrison), than he openly avowed himself an emissary from the Opposition in England to the American Congress. He particularized the large metal buttons upon his coat, and publicly declared that in one of these buttons was contained a letter from the Marquis of Rockingham to Congress, in another, one from the Duke of Richmond, in another, one from Charles James Fox, Esq., in another, one from David Hartley; another contained one from Lord Shelburne, another, one from General Conway, and, in another, one from his brother, John Temple.

This gentleman shortly afterwards set off for Philadelphia upon his embassy to Congress. In all companies upon the road he repeated the above particulars, and boasted of his imposition upon General Tryon. Congress received him with the greatest marks of affection. He was caressed, treated and entertained, his intelligence revived their hopes, they were at this time almost in a state of despondency, and ready to accept of almost any terms that Great Britain should offer. The information by Temple restored their hopes and exhilarated their spirits. It raised them out of their lethargy. From it they were acquainted with how much they might expect from England, who were their friends in the two houses of Parliament, and the lengths the opposition intended to go to serve them. By these letters they were advised to remain firm, fixed, and steady, in their opposition to Great Britain, and that every assistance that the opposition could give them, by thwarting every measure of Government, as far as possible, might be depended upon. It had

the desired effect. The drooping spirits of Congress were raised, and independence in little better than two months thereafter was declared in form.

The city of Quebec having been invested by a rebel army from December, 1775, until the spring of 1776, upon the arrival of the first succours, the siege, or rather blockade, was precipitately abandoned. The rebels, leaving all their cannon, baggage, and military stores behind them, proceeded up the river towards Montreal. Being joined by the reinforcements from the revolted colonies under the command of General Thompson, near Trois Rivières, about half way between Quebec and Montreal, they made a stand. General Carleton was eager in his pursuit. The two armies met, an action was the consequence, and the rebels were defeated. Thompson who commanded the rebel army and between 2 and 300 of his men were taken prisoners, hundreds were either killed or wounded, and the scattered remains of his broken army retreated out of Canada, with the utmost expedition. General Carleton upon this occasion displayed a noble instance of his humanity. He was not only Governor of the Province, but Commander-in-Chief of the army in that quarter. Receiving intelligence that numbers of the rebels who had been in the late action under Thompson, were dispersed in the woods, concealed themselves in swamps, and were afraid of surrendering lest they should be tried as traitors, or, being unacquainted with the situation of the country, were unable to get back to the revolted colonies ; on the 10th of May, 1776, he issued a proclamation setting forth, "Whereas I am informed that many of his Majesty's deluded subjects of the neighboring Provinces and labouring under wounds and divers dis-

“orders are dispersed in the adjacent woods and parishes, and in great danger of perishing for want of proper assistance; all captains and other officers of militia were thereby commanded to make diligent search for all such distressed persons, afford them all necessary relief, and convey them to the general hospital, where proper care shall be taken of them; and all reasonable expenses that might be incurred in complying with such order shall be repaid by the Receiver-General; and least a consciousness of past offences should deter such miserable wretches from receiving that assistance, which their distressed situation might require, I hereby make known to them that as soon as their health was restored they should have free liberty to return to their respective provinces.” What an instance of generosity, of lenity, of kindness, and humanity, is displayed in this proclamation. It breathes the language of hospitality, and was worthy the character of a Christian, a British general, and a generous enemy. It would have done honour to the feelings of a Marlborough, an Eugene, a Turenne, or a Saxe. Had all our generals during the American War acted the same noble part, conciliation would soon have been the consequence, and the honour of Great Britain saved, instead of being disgraced, and ridiculed, through all Europe.

Another instance must be mentioned which is equally honourable, and that is the strict discipline which the Northern Army was obliged to observe while under his command. As the royal army in 1776 were pursuing the rebels in their retreat out of Canada, in marching through some of the villages, a few of the inhabitants were plundered by some of the foreigners. Complaints were made to the General, the

plunderers pointed out, taken up, tried, convicted, and severely punished, and three of the ringleaders were hanged. Not another instance of plunder happened in the Northern Army so long as it continued under his command. Had the British generals who commanded more southward acted with the same spirit, the same resolution, and the same rigid though proper discipline, it would have greatly contributed towards assuring the Americans that Great Britain aimed at nothing more than a happy, and a mutual reconciliation, between herself and her Colonies, the mother and the children. But an indiscriminate universal plunder being not only countenanced, but publicly and openly encouraged in the army acting to the southward (in which the officers equally participated with the privates), it so far widened the breach, that it became very soon visible to every impartial observer that no conciliation could possibly be thought of, and that Great Britain had no chance of ever recovering her Colonies, but by conquest, and this most people looked upon (as it in the end turned out) totally impracticable.

While the rebel army were lying before Quebec, the Canadians in general showed a backwardness in giving them any assistance, in consequence of the oaths of allegiance and fidelity which they had taken to the King of Great Britain and from which their own clergy refused to absolve them. This being made known to Congress, notwithstanding their then attempts to alienate the colonists from Great Britain under the pretence that she had established the Romish religion in Canada, and was about extending it to all her other Colonies, they despatched that old inveterate rebel Dr. Franklin, with two Roman Catholic Priests,



from Maryland, by the name of Carroll, into Canada in order to absolve his Majesty's subjects from their allegiance to their Sovereign, and thereby enable them to take up arms in the cause of an unprovoked rebellion. Upon the arrival of these pious, godly, and Congressional, ambassadors upon the frontiers of Canada, they received intelligence that the rebels had abandoned the siege of Quebec, that their army had been attacked and defeated, and the scattered remains were retreating out of the country as fast as possible. They took the alarm, and instantly returned. This anecdote is mentioned to show that Congress, to serve their own purposes, would go any lengths, abandon the religion of their ancestors, as well as their own, court Roman Catholics, propagate the most absurd falsehoods, and impose upon their constituents, by fraud and deceit, if it could have been of any material and essential service to them in their opposition to Great Britain.

In the spring of 1776, prior to the rebels having quitted Canada, as Captain Foster with a small detachment of the 8th regiment and a number of Indians (the allies of Britain) were proceeding from the upper posts down the St. Lawrence towards Montreal, at a place called the Cedars, about 40 miles above that city, he found two small forts built and garrisoned by rebels. He summoned the forts. They both surrendered upon unconditional terms. The garrisons, thus made prisoners of, consisted of 2 majors, 9 captains, 20 subalterns, and 443 rank and file. The Indians being the most numerous, claimed the prisoners as their property. Upon receiving intelligence at Montreal that the Cedars were attacked, General Arnold was dispatched with a considerable force to their relief.

Hearing upon his way of the surrender of the forts, he stopped, wrote to Foster, and a treaty was opened between them, for the exchange of the prisoners. The Indians claimed the whole. In order to effect an exchange Foster purchased the Indians claim, for which a large sum was paid by Government. His motive was humanity. The Indians frequently use their prisoners ill. The terms being settled between Foster and the Indians, the prisoners were delivered over to the English. This done, a treaty between Arnold and Foster took place. Matters were settled in a short time. It was agreed that all the rebel prisoners should be delivered up to Arnold, he engaging to return in exchange an equal number of the late garrison of St. John's, which had been taken by the rebels the preceding fall; officers to be in number and rank equal to those taken at the Cedars. The agreement being mutually signed, the prisoners were delivered over to Arnold, and returned to the several colonies to which they belonged. General Carleton now demanded a performance of the agreement by a return of the garrisons taken at St. John's. Congress took the matter into consideration, quibbled, prevaricated, and at length determined that Arnold had no power to enter into an agreement for the exchange of prisoners, which were not in his power at the time, as the garrison of St. John's was not; and upon a further pretence, that a verbal agreement had been made upon the surrender at the Cedars which the English and the Indians had not complied with, that the prisoners from the time of their surrender to the time of their release were not allowed a sufficiency of provisions, had been plundered of their clothes, and one of them murdered in cool blood. This information (the whole of which

was a mere falsity) was collected principally from hearsay evidence and from the reports of a common soldier or two of the party.

The truth was, Congress had got their own people, and were determined the British should not be benefited by an addition of near 500 veterans, then prisoners in the Colonies, who, by the agreement between Foster and Arnold, ought to have been returned; and under the aforesaid false pretences, supported by hearsay evidence, and the testimony of two or three privates, the Congress absolutely refused to ratify the agreement so solemnly made, and of which they had received the full benefit by a return of the whole of the troops taken by Foster and the Indians. *Punica fides!* This was the constant practice of Congress during the whole of the war. Every art, deception, and hypocrisy which tended to their advantage, and to the disadvantage of Britain, were made use of by these American *Saints*. After an altercation of more than four years about this business, their High Mightinesses at last found themselves under a mistake, and suffered the agreement to be carried into execution by delivering up an equal number of British prisoners in exchange for the rebels taken at the Cedars. At that time it was of little service to Britain. Had they been sent to Quebec immediately after the execution of the agreement, they would have been of great consequence, or had they been delivered to Gen. Howe upon his landing upon Staten Island, they would have been of equal service. This Congress well knew. It was an advantage they were determined Great Britain should not be benefited by, and to counteract which, all their art and dissimulation were made use of for several years

In the spring of 1776, Lieut.-Colonel Donald McDonald, who had served his Majesty more than 50 years, and was now 80, being settled with a number of his countrymen at a place called the Cross Creek, upon the frontiers of the province of North Carolina, received a commission from Mr. Martin (Governor of the Colony, and then on board a man-of-war in Cape Fear River, opposite Brunswick) as a Brigadier-General in the King's service, with directions to embody the loyal Militia in that part of the country, promising to support him with arms, clothing, ammunition, money, and a junction with troops, if he could penetrate through the country as far as Wilmington or Brunswick. In consequence of this, the sturdy old veteran raised and arrayed about 1,500 men in a few days, hoisted the Royal standard, and issued a proclamation ordering all persons in the Colony to repair to it on pain of being treated as traitors. The march of the troops was delayed for several weeks, the reasons were cogent, McDonald was not to blame. This delay gave the rebels an opportunity of collecting their forces in every quarter before McDonald marched. The rebel army consisted of near 8,000 men, well armed, raised on purpose to obstruct the march of the loyalists to Brunswick. In the face of this body of rebels did McDonald, with his handful of brave men, not one-sixth of them armed, and the greatest part of them without ammunition, march boldly on, forced their way with great spirit and resolution, for more than 90 miles, in spite of all opposition, to Moore's Creek Bridge, within 16 miles of Wilmington, which lies upon the sea. When here they found themselves unsupported—no troops, according to promise, joined them. Of course they received from the Governor neither arms, pro-

visions, nor ammunition. McDonald was taken ill, dissensions took place in the army, the rebels were on one side, the loyalists on the other side, of Moore's Creek. Though unprovided in a great measure with arms and ammunition, the General ill, and no accounts from the Governor, they attempted to cross the river in the face of a superior enemy, almost treble their number, covered with works, supported by artillery, and the bridge rendered by the enemy in a great measure impassible. It was a mad, though a bold act. They met with a total defeat; several were killed (among the rest Col. McLeod, who had the command in the absence of McDonald), bravely fighting with their broadswords only; most of the officers were taken prisoners. McDonald shared the same fate at his quarters the next day. They were treated by the rebels with a rigor and barbarity to a degree scarcely credible, and unknown to civilized nations. They were paraded through the country in triumph, in the most miserable, distressed condition, destitute even of common necessities; exhibited in all the little towns as shows, insulted by the populace, abused as tories, the friends of a tyrant, and at last distributed in different prisons, erected by merciless rebels for the express purposes of cruelty, upon the frontiers of Virginia, Maryland, and Pennsylvania. The severity of their usage was such that few, very few of them ever returned to their families. The General was in the most ignominious manner conducted to Philadelphia, carried through every street in triumph by the orders of Congress, insulted by the mob, and then lodged in a jail, in a room close and confined, secured with iron doors, bolts, and bars, and this in the most sultry season of the year. He had nine gentlemen (loyalists) in the

same room for his companions. His servant was refused access. They could scarcely stir from their number, the smallness of the room, and the heat of the season. It was almost equal to the Black Hole at Calcutta. Thus much for the boasted humanity of rebels, and this not only under the eyes, but by the express orders and directions of Congress.

Early in 1776 General Clinton left Boston, in a man-of-war, with some transports, and a few troops on board, and sailed to the southward, in consequence of an expedition, intended for the reduction of some, or one, of those colonies, of which General Clinton was to be the Commander. He touched at New York, where he staid a few days, and after consulting with General Tryon and the Captains of the men-of-war, then all afloat in the harbour, proceeded to Virginia; but finding Lord Dunmore with a force not sufficient to assist (with the few troops the General had) in any offensive operations, nor any great encouragement that the Virginians in any numbers would join in case the troops landed, all thoughts of Virginia were laid aside, and General Clinton sailed with his transports to North Carolina, and anchored in Cape Fear River, opposite to Brunswick. Something great was expected here. Sanguine accounts had been sent to the northward, by General Martin of that Colony, of the loyalty of the inhabitants, their zealous attachment to the British Constitution, and their abhorrence of the rebellion. This account was confirmed by General Tryon, then Governor of New York, and a few years before a favourite Governor of North Carolina. Upon General Clinton's arrival at Cape Fear, he found Governor Martin had been obliged to abandon his province and take refuge on board one of the King's ships; that an insur-

rection which had taken place upon the frontiers of the Colony, through the Governor's means and influence, (headed by a McDonald, to whom his excellency had given the commission of a General, and who had embodied about 2,000 men, chiefly emigrants from Scotland, who, in their attempt to penetrate from the frontiers through the Colony to the sea-coast (a distance of near 300 miles), had been defeated by the militia and totally dispersed; that numbers of them had been killed, wounded or taken prisoners, among the latter the General himself. All hopes therefore of assistance from North Carolina were at an end. A fleet with land forces on board was expected from England. The General waited at Cape Fear for their arrival. At length, about the middle of May, the fleet arrived. It was commanded by Admiral Sir Peter Parker, and consisted of two 50 gun ships, 4 frigates of 28 guns, one of 20, an armed vessel of 22, a sloop of war, an armed schooner, and a bomb, with a number of transports, having seven English regiments, under the command of Lord Cornwallis and General Vaughn (two as brave, intrepid, valiant, courageous, sensible, judicious, prudent, and spirited Generals as ever commanded, perhaps, in an English army). Clinton took the command of the army. An attack was now proposed upon the province of South Carolina, and for the harbour of Charleston, the metropolis of the colony, the fleet accordingly sailed. They arrived safely off the bar, but instead of immediately attacking the town which was almost defenceless, and might have been an easy conquest, General Clinton and the Admiral agreed to attack a strong fort which the rebels had erected upon an Island called Sullivan's Island, situate at the entrance of the harbour, as its protec-

tion, upon a supposition that the ships could not safely go up to the town until the reduction of this island.<sup>1</sup> An attack was therefore determined upon. General Clinton and the troops were landed upon Long Island, adjoining Sullivan's, and divided only by a small Creek, said to be at the highest tides not more than knee deep. The ships were to pass and attack the works by water while Clinton with the army was to pass the creek and make an attack upon the land side. It was the 28th of June before the men-of-war all got over the bar. On the morning of that day the attack was made by the bomb, covered by the armed ships, and supported by the two 50's, and two of the frigates. Three of the frigates, through the ignorance of the pilots, ran aground, two got off with considerable damage, the other was burnt to prevent her falling into the hands of the enemy. A most incessant fire was kept up by the bomb, the two 50's and the two frigates, upon the fort till near 10 o'clock at night, when the admiral was obliged to abandon the enterprise, his ships having suffered amazingly in their hulls, masts, yards, and sails, besides a number of men either killed or wounded, including some very able and expert officers. This attack lasted and was continued with vigour for no less than 12 hours. It began at 10 in the morning and ended at 10 at night. During this long and heavy cannonade the army, according to its projected plan, never made its appearance, nor did the Commander ever send word to the Admiral of his reasons for not co-operating with the fleet, the diffi-

<sup>1</sup> In the spring of 1780, during the siege of Charleston, Admiral Arbuthnot, with a large fleet of frigates and armed vessels, passed this island with all its fortifications and sailed up to the very town with the loss of about 40 men and some little damage to the rigging of some of the ships.



culties in its way, and its utter impracticability. This was inexcusable at least. The reason it seems was this : when the army marched, in order to carry their part of the plan into execution, they found the creek which divided the island instead of being knee deep to be not less than seven feet, and as they had neither boats nor bridge, the passage was impossible. This is the only reason that has been hitherto given and a surprising one it is. That a General should be 19 days upon an island, was to carry on an attack upon another island adjacent, knew there was a creek to pass, and yet in all that time had never discovered, or endeavoured to discover, its depth of water ! This occasioned the failure of the attack, and of course all prospect of success in the Southern Colonies at that time. Was there ever a more stupid piece of business, except indeed when the Ministry, after this, intrusted this man with the supreme command in North America, and the numberless stupid acts he did in that command ?

## CHAPTER VI.

ABOUT the middle of June, 1776, New York being a rebel garrison in which General Washington had established his headquarters, and the Provincial Convention as well as the City Committee being then sitting, the former at the City Hall, the latter at the Exchange, a republican mob was raised in the middle of the day, headed by a number of staunch presbyterians, among whom the principal was one Lasher, a shoemaker, and then a Colonel in the rebel army, John Smith, Joshua Hett Smith, the brothers of William Smith, Esq., Peter Van Zandt, and Abraham Lott, late an alderman of the city. This mob, thus led on, searched the whole town in pursuit of tories (his Majesty's loyal subjects meaning), and found and dragged several from their lurking holes, where they had taken refuge to avoid the undeserved vengeance of an ungovernable rabble. When they had taken several of these unhappy victims, destined to the will, the sport, and the caprice, of a banditti, and the diversion of republicans and rebels, they placed them upon sharp rails with one leg on each side ; each rail was carried upon the shoulders of two tall men, with a man on each side to keep the poor wretch straight and fixed in his seat. In this manner were numbers of

these poor people, in danger of their lives from the extremity of pain occasioned by this cruel contrivance, paraded through the most public and conspicuous streets in the town, and at every corner a crier made proclamation declaring the offenders to be such and such (mentioning their names), and notorious tories (loyal subjects meaning). The mob then gave three huzzas and the procession went on. The like proclamations were made before the City Hall, where the provincial Convention was then sitting forming laws for the civil government of the province; before the Exchange where the Committee were sitting making rules and regulations for preserving the good order, the peace and quiet of the city; and before the door of General Washington, who pretended the army under his command was raised for the defence of *American Liberty*, for the preservation of the *rights of mankind*, and for the protection of America against the unjust usurpation of the British Ministry. Notwithstanding which, so far did this humane General, and the two public bodies aforesaid, approve of this unjustifiable mob, that it received the sanction of them all. They appeared at the windows, raised their hats, returned the huzzas and joined in the acclamations of the multitude. Nay so far did General Washington give his sanction of, and approbation to, this inhuman barbarous proceeding that he gave a very severe reprimand to General Putnam,<sup>1</sup> who

<sup>1</sup>An old illiterate farmer of Pomfret in Connecticut, he served in the provincial army in the war preceding the rebellion as a Captain, and at last was promoted to a Majority. He is resolute, bold, enterprising and intrepid, has no notion of fear, and is, at the same time generous, kind, and humane; was fond of doing good acts and ever treated loyal prisoners with the same attention and hospitality as he treated his own soldiers. In 1775 he offered his services to General Gage, the Commander-in-Chief in America, if he could have a provincial regiment, which he offered to raise at his own expense. The proposal was rejected with scorn and in-

accidentally meeting one of the processions in the street, and shocked with its barbarity, attempted to put a stop to it, Washington declaring that to discourage such proceedings was to injure the cause of liberty in which they were then engaged, and that nobody would attempt it but an enemy to his country. Some of these unhappy victims to the vengeance of *American liberty* and the *rights of mankind* had nearly lost their lives by this fatal piece of *republican witticism*. Some were confined to their houses for many days, and not one but what received some considerable hurt from the cruel, unmerciful operation.

About the middle of June, General Howe left Halifax, with his army, and arrived at, landed upon, and took possession of, Staten Island, on the 30th of the same month. Sir Peter Parker having refitted the ships injured in the attack upon Sullivan's Island, proceeded to the northward with the army under General Clinton, and about the middle of July also arrived and landed upon the same island, as did shortly afterward Lord Dunmore and Major Cadjoe, with the refugees and blackamoors from Virginia. The inhabitants upon Staten Island (the most of whom were perfectly loyal) received the troops with open arms and supplied them with everything the island could afford. Lord Howe who was appointed Commander-in-Chief of the fleet destined to act in America, also arrived from England, in the *Eagle*, of 60 guns, early in July. The foreign troops were not yet arrived.

An anecdote shall be now mentioned in order to show with how much severity the rebel chiefs were capable of treating even the wives of his Majesty's loyal subjects. A lady of the first rank, character, and family,

dignity. How prudent the rejection of such an offer at such a time I leave to the decision of all true loyalists, real patriots and lovers of their country.

happened to be upon a visit to some of her relations upon New York Island, attended by her postilion only, at the time that General Howe landed upon Staten Island with the army from Halifax. Upon this event General Washington issued orders that no person should pass the ferries without a written order from the commandant of the city. Not knowing who the commandant was, and the lady desirous of returning to her family upon Long Island, nearly thirty miles from the city, she wrote a polite note to General Washington, begging the favour of a permit to pass the ferry. This note was delivered to General Washington by a gentleman of character, fortune, and reputation, a near relation of the lady. Washington read the note, whispered to McDougal, turned round, tossed the paper towards the gentleman, and insultingly said, "Carry the note back to your tory relation, I have nothing to do with it, and if I had"—Here he stopped and again entered into conversation with McDougal. The gentleman however, before he returned to the lady, was informed that Lord Stirling was the commandant of the city, and that all applications for passes must be made to him. His lordship was a native of the city, was perfectly acquainted with the lady, her husband, and all their relations and connections, with some of whom he had always lived upon terms of the utmost familiarity; some favour might, therefore, be expected from him, and to him the gentleman applied. He hearkened to a relation of the particular situation in which the lady then was, and the peculiar hardships of her case, after which he sat down and deliberately wrote the following pass:

"Let Mrs. Jones pass to Long Island. *But without any male attendant.* July 4th, 1776.

"STIRLING, *Brig. General.*"

"To the Officers of the Guards."





"What!" says the gentleman, "is my cousin to mount the coach box and drive herself home?" His Lordship angrily replied, "I shall grant no other, your relation may think herself well off to have got this, and if she does not incline to make use of it, let her stay where she is *and be damned.*" She was obliged to continue several days after this, unable to return home, absent from her husband and her family, and there she might have continued until the evacuation of New York by the rebels the September following, had it not been for an honest, humane, worthy Dutchman, at that time one of the city Committee, and a member of the Provincial Convention, who being at his country seat adjoining the East River, in the neighbourhood of the family where the lady then was, and hearing of her situation, was struck with astonishment. He immediately waited on her, and offered his assistance. It was gratefully accepted. He accordingly took her and her servant in a boat of his own, carried them across the river, landed them upon Long Island, and never left the lady till she entered her carriage, and the postilion drove off.<sup>1</sup> The politeness and civility of this gentleman ought to be ever remembered by the lady, her friends and connections, with the utmost gratitude to the latest posterity, while the unmanly, impolite, ungenerous, and unmilitary conduct of Washington and Stirling ought to be condemned forever.

On the 30th of June, 1776, General Howe, as mentioned before, landed upon Staten Island with his army from Halifax. On the 4th of July, Congress declared themselves independent States. This was fol-

<sup>1</sup> Captain Anthony Rutgers, a descendant of one of the oldest and most reputable Dutch families in the province of New York.



lowed in a very short time by a similar declaration from each colony. The General, being a joint commissioner with the Admiral, not then arrived, for restoring peace to America, attempted a negotiation with Washington, whose headquarters were in New York. Upon this subject he wrote him a letter, directed to George Washington, Esq., &c., and sent it by his adjutant-general. This letter Washington refused to receive because not directed to him as "General." General Howe, wishing for an accommodation, waived the point and directed his letter to General Washington. But he still refused to treat, insisting that no person could be authorized to negotiate in a business of this kind unless deputed by Congress, or Congress itself. The adjutant-general replied that the commissioners could not treat with Congress as a legal and constitutional body. Washington expressed great surprise. "Congress," said he, "have declared the Colonies independent of Great Britain. I am appointed by a commission from them as General of their armies. General Howe had sent him a letter directed to him as General, and his power being under Congress, the direction of that letter acknowledged the independence of the Colonies." All hope of a negotiation was now at an end. Washington transmitted the particulars to Congress, and received their thanks for his spirited conduct (as they expressed it) upon this occasion.

Washington, upon the arrival of General Howe at Staten Island, in order to prevent the people upon Long Island from either joining the royal army, supplying them with provisions, or conveying them intelligence, sent large detachments of his troops to that Island and posted them all along the shore from Yel-

low Hook to Gravesend; quartered a regiment of riflemen at Rockaway; and filled the bay on the south side of the island with armed whale boats, small privateers and pettiaugers, that constantly kept patrolling the bay from Hog Island to Blue Point (distant from each other about 40 miles). Not content with this precaution, he ordered all the small craft along the shore, consisting of hay boats, canoes, batteaus, and floats, to be seized, taken away, and destroyed, or deposited in particular places under proper guards. Notwithstanding which, numbers found means to escape and join the royal army, while others, at the risk of their lives, carried them boat-loads of provisions, and furnished them with all the intelligence and information necessary to be known prior to opening of the campaign.

Queen's County was extremely obnoxious to the rebels on account of the loyalty of its inhabitants, who had constantly, in spite of all oppression, ill-treatment, and hard usage, acknowledged their attachment to their sovereign; had refused to send a delegate to the Continental Congress, members to the Provincial Convention, or to elect a committee in the County. For this they were put under the ban of the 13 revolted Colonies, outlawed by an act of the Provincial Congress, not suffered to attend the New York markets, to dispose of the produce of their farms, or to prosecute, for the recovery of their just debts, while all demands against them were declared recoverable, and their property ordered, whenever found in the markets at New York, to be seized and disposed of (as pretended) for the use of the poor. Notwithstanding such pretence, many a good fat pig, a well-fed turkey, an excellent goose, or a plump dunghill fowl, has

regaled the appetite of a *rich* and *penurious* republican, forcibly taken (or rather stolen) from the Queen's County marketmen, in consequence of this act of outlawry. This was by the rebel powers called "Liberty."

Queen's County being thus obnoxious to rebellion in consequence of its firm and steady attachment to the British Constitution, and avowed opposition to all Congressional measures, a design was formed by the republicans to apprehend as many of the principal gentlemen there as possible, transport them to Connecticut, and to dragoon and compel the common people to form themselves into a militia, and join the rebel army, whenever the King's troops should land upon Long Island. To effect which a detachment of about 1,000 men, under the command of a Col. Cornell, of the Rhode Island line, by Washington's orders, marched from New York, and established his headquarters at Hempstead, nearly the centre of the County. The disaffected, consisting of about 300, out of 1,500 militia, of which the County then consisted,<sup>1</sup> soon joined him. The Loyalists, having been disarmed by Hurd the preceding winter, all fled and hid themselves in swamps, in woods, in barns, in holes, in hollow trees, in corn-fields, and among the marshes. Numbers took refuge in the pine barrens in Suffolk, while others in small boats kept sailing about the Sound, landing in the night, sleeping in the woods, and taking to the water again in the morning. John Harris Cruger, Esq., one of his Majesty's Council, and Jacob Walton, Esq., one of the representatives in General Assembly, for

<sup>1</sup> Nearly one-third of the whole of the inhabitants of this County have since the late peace and the recognition of American independence, preferred the inhospitable wilds of Nova Scotia, rather than live in a County governed by the iron and oppressive hand of rebellion, though settled, planted and improved by their ancestors, nearly a century and a half ago.

the City of New York, were concealed for three weeks in the sultry heat of summer, upon a mow in a farmer's barn, and supplied by the owner, a loyal old Quaker, with whatever they wanted. Augustus Van Cortland, Esq., a principal gentleman, a man of family, and town clerk of the City of New York, was concealed in a cow house for a considerable time, by an honest old Dutch Loyalist, and supplied with every necessary.<sup>1</sup> The rebel Colonel, having established his headquarters at Hempstead, converted the Episcopal church into a store house, forbid the parson to pray for the King or any of the Royal family, and made use of the communion table as a conveniency for his Yankees to eat their pork and molasses upon. A universal hunt after Loyalists took place, parties for that purpose were sent into every quarter of the County, under the guidance and direction of the disaffected. The Loyalists were pursued like wolves and bears, from swamp to swamp, from one hill to another, from dale to dale, and from one copse of wood to another. In consequence of which, numbers were taken, some were wounded, and a few murdered. The prisoners were conducted with infamy under a guard of rebels to New York, insulted and abused upon the road, and without a hearing, ordered by a Board of officers<sup>2</sup> (appointed by Washington for that purpose) to be transported into different parts of New England. The inland parts of Connecticut became filled with loyal prisoners. The most obnoxious were imprisoned

<sup>1</sup> This old Loyalist, one Lefferts, when he carried Mr. Van Cortland his provisions, used to go backwards, that, in case of necessity, he might safely swear he had not seen him.

<sup>2</sup> Lord Stirling, John Morin Scott, and Alexander McDougal, rebel generals, with Joseph Read, Adjutant-General to the rebel army.

while others had the liberty of certain small districts upon parole, where they met with bad usage, rascally accommodations, and daily insults.

x It must be observed, as already mentioned, that General Howe landed upon Staten Island on the 30th of June, 1776, that his army consisted of 10,000 men, that he was soon after joined by General Clinton with several regiments from the southward, consisting of at least 5,000 men, and by Lord Dunmore from Virginia with about 1,000 more; that he was joined by a number of refugees, by some companies of provincials raised under the orders of General Tryon, and by 10,000 Hessians under General De Heister; that the marines on board the ships amounted to at least 1,000 men, that Staten Island and Long Island were at his command, the greatest part of the inhabitants being Loyalists; and that upon the arrival of General Howe at Staten Island, only nine miles from New York, a universal consternation took place in that city. The Convention left the city, and went to the White Plains, in the County of Westchester, about 30 miles from New York. The rebel army at that time in New York did not consist of more than 20,000 men; they were badly clothed, half armed, dirty, lousy, and without discipline. Such an army of ragamuffins no general ever commanded (the arch rebel Washington excepted). The rebel army that entered England, headed by the Pretender, in 1745, though perfectly undisciplined, were martinets compared to the rebel host that now occupied New York. It has been already mentioned that upon the landing of the royal army upon Staten Island, an almost universal panic took place in that of the rebels at New York. It was unexpected. Its arrival surprised them. The lines

upon Long Island were not even begun. A few forts had been built along the river to annoy the King's ships, should they attempt to enter the harbour. All this General Howe was soon apprised of; his information was good, authentic, and which he well knew could be depended upon. But under pretence of waiting for reinforcements he continued upon Staten Island until the 22d day of August, when, having no pretence for a longer delay, and the rebel army having recovered its fright and consternation, completed their works and lines upon Long Island, put themselves into a proper posture either for attack or defence, and the militia of the Eastern Colonies, as well as those of the Southern, as far as Virginia, being arrived at New York; on which day (happy for Long Island, particularly so for the loyal County of Queen's, as it was then thought) the King's troops embarked at Staten Island, and landed upon Long Island in Gravesend Bay, without the least opposition, or the loss of a man.<sup>1</sup> Upon which Colonel Cornell seized upon all the fat cattle, horses and waggons that he had time to lay his hands upon, called in his tory-hunting detachments, and marched with his booty to Brookland, within the rebel lines. No sooner had Washington notice that the British army were landed upon Long Island than he instantly transported his army (leaving a small garrison in New York) to the same Island. The British

<sup>1</sup> This day, though then looked upon as the most fortunate one that could happen for the Long Island Loyalists, proved in the end a most unfortunate one, for instead of finding protectors in the King's troops, they were most scandalously, barbarously, and indiscriminately plundered; suffered every insult and abuse during the whole war; could never obtain redress either from Generals or Governors; and at last were, by Lord Shelburne's peace, sacrificed and given up to their most inveterate enemies, without a single condition, a term, an article, or a stipulation in their favour.

landed at Gravesend, the rebels at Brookland ferry, the distance about 10 miles ; the former consisted of at least 30,000 well disciplined troops, the latter of about 45,000 half clothed, undisciplined fellows, a third of whom were nothing more than common militia men taken from the plow and forced into the field.

On the 27th of August the two armies met, an action was the consequence, the rebels were defeated. The victory on the part of the British was complete. Three rebel Generals, Lord Stirling, Sullivan, and Woodhull, were, with a number of colonels and other officers, made prisoners. More than 2,000 were either killed, wounded, or taken. The rebel army, upon its defeat, took refuge within their lines, the British were at their heels. The generals, Clinton, Lord Cornwallis, and Vaughn, *pressed the Commander-in-Chief hard* for leave to enter the lines, and the common men were with difficulty restrained. He thanked the three generals and the soldiers for their spirit and alacrity, *coolly* declaring, that "*enough had been done for one day*, that the lines could be easily carried by regular approaches with little or no loss." He accordingly recalled the troops from the pursuit, and broke ground at the distance of 600 paces from the nearest redoubt. That very night the rebels abandoned their works upon Long Island, and retired to New York. The retreat of the rebels was not discovered by the British till daylight the next morning, when they were surprised to find that the rebel army was gone, the lines abandoned, and not an enemy to be seen. Naturally supposing them gone for New York, the British instantly pursued, but before they reached Brookland ferry, the rear of the enemy had obtained the middle of the river, and were of course beyond any pursuit

from the British. General Howe was now in complete possession of all Long Island. The rebels in their hurry and consternation upon abandoning Long Island left the garrison upon Nutten Island (which they had strongly fortified) consisting of 2,000 men, 40 pieces of heavy cannon, military stores and provisions in abundance, without the least means of quitting the island. The British army was at Brookland, the distance from thence to Nutten Island not more than a mile, the distance from Long Island opposite to it not more than a quarter of a mile. The royal army consisted of near 30,000 men, in high spirits and flushed with victory, yet no steps were taken to make prisoners of the garrison and get possession of the forts, stores, artillery and provisions there deposited. In the evening of the same day (unaccountable as it is) a detachment of the rebel army went from New York to Nutten Island with a number of boats, and carried off the troops, the stores, artillery and provisions without the least interruption whatever, though General Howe's whole army lay within a mile of the place, and his brother, the Admiral, with his fleet, covered the Bay at a little distance below the island. It is a circumstance somewhat remarkable that while General Howe was engaging the rebel army upon Long Island, the Admiral lay still at Staten Island. Indeed he sent up four ships, which anchored about two miles below Nutten Island, and kept up a most tremendous fire against the rebel fortifications there. But the distance was so great it made no impression, did no injury, and might as well have been directed at the moon as at Nutten Island, for the good it did. The rapidity of the tide between Staten Island and New York is such, that the whole fleet might with ease have reached the



East River with the flood in two hours, had the wind even been ahead. Had this been done on the day of the action upon Long Island, and the river lined from Nutten Island to Hellgate (and the ships he had under his command were more than sufficient for the purpose) not a rebel would have escaped from Long Island; all must have submitted. The whole rebel grand army, with Washington at their head, would have been prisoners, rebellion at an end, the heroes immortalized, and the 27th of August, 1776, recorded in the annals of Britain as a day, not less glorious than those on which the famous battles of Ramilies and Blenheim were fought, and celebrated victories obtained, by the heroic Duke of Marlborough. But this was not done, and why it was not, let the brothers Howe tell.

As General Howe was now in full possession of Long Island, he placed his army in different positions in King's County and the westernmost part of Queen's, adjoining the river, opposite the island of New York.<sup>1</sup> This done, a little plunder was connived at, and rather encouraged than discouraged by some principal officers in the army. The Hessians bore the blame at first, but the British were equally alert. The following is a fact. Lieut.-Colonel Birch, who then commanded the 17th Light Dragoons, in one of his rides accidentally met upon the road a Dr. Tredwell, a gentleman of fortune, of character, and of one of the first families upon the island, and as warm and steady

<sup>1</sup> Gordon says General Howe here made two capital mistakes, 1st, that instead of landing upon Long Island he should have run up the Hudson and landed in the rear of the rebels, and 2d, when in possession of Long Island, instead of spending three weeks there and then going to York Island he should have instantly crossed the Sound and landed in the rear of the rebel army; had either of these steps been taken, Washington's army would have been ruined.

a Loyalist as ever had an existence. The Doctor was fond of horses and loved the sport of the turf. He had a good breed, of which he took great care. He was at this time mounted upon a noble one, of the true English kind, a descendant of the famous Wildair, worth not less than 150 guineas. Birch viewed the horse, liked him, and was determined to have him. The Colonel had several military attendants with him. The Doctor was alone, an opposition at all events would have been fruitless. Birch ordered the Doctor to dismount and unsaddle his horse. He remonstrated against this act of injustice. He told the Colonel who he was, and desired him to inquire into his character and political conduct from the commencement of the American troubles. It had no effect. The Colonel ordered the Doctor to dismount, directed a servant to unsaddle the horse, give the saddle to the Doctor and to lead away the horse, telling him at the same time to carry home the saddle upon his own back and be damned ; and to thank his stars that the saddle was not taken as well as the horse. The Doctor afterwards made repeated applications either for a return of, or payment for, his horse ; neither was he able to obtain. There was no civil law. The Courts of Justice were shut, and the Colonel was superior to the powers of a Court of police, and instead of being suffered to present a memorial to the General upon the occasion, upon his application at headquarters for that purpose, the aides-de-camp charged the Doctor with being a rebel and threatened him with the prevost.

Upon the evacuation of Long Island by the rebels, after the Battle of Brookland, the King's troops found within their lines a large number of cattle which had been taken from the inhabitants and driven therein, to

prevent their falling into the hands of the British. Notice was publicly given by the General for all persons claiming any of these cattle to make out their right, prove their loyalty, and take them away. This was done, and all the milch cows, lean and young cattle, were delivered up to the several owners and taken away. But the owners of fat cattle were given to understand that all such must be detained for the use of the army. That a regular account should be kept of the whole, and the proprietors receive full satisfaction for the cattle so detained. All this was just, right, reasonable and proper. The owners grumbled not, the chief of them were steady Loyalists, and were happy in having it in their power to assist the royal army.<sup>1</sup> Upon the close of the campaign applications were made for payment, agreeable to the General's promises. Notwithstanding which, in violation of his word, in breach of his honour, and of the public faith by him pledged, not a man ever received a farthing. Some of the applicants were damned for rebels, and ordered about their business ; others were threatened with the prevost for their impudence, others were told their only remedy was against the original captors, and to them they might apply for redress. Several had their memorials (after being read) hove at their heads and desired to take themselves away. The cattle taken at Brookland, the property of the loyal inhabitants of Long Island (amounting to some hundreds), and appropriated to the use of the army, were charged to the Crown at a round price, and produced a large sum, which, if fame speaks truth, was equally divided

<sup>1</sup> Gen'l Howe, in his letter to Lord Geo. Germain, after the Battle of Brookland, says, "The inhabitants of Long Island are in general loyal, were forced into rebellion, and received the army with open arms as their deliverers," &c.

between the immaculate General who commanded at that time, and the yet more immaculate Mr. Commissary Chamier, instead of being paid to those persons who were justly and honestly entitled to it.

A particular, and very remarkable case of this kind I shall now relate, and as the gentleman is a person of character, honour, and reputation, from whom I had the particulars, the facts will not admit of a dispute. Thomas Jones, Esq., a noted loyalist and one of the Judges of the Supreme Court of the Colony of New York was, when the King's troops landed upon Long Island, a prisoner in New England. Among others, this gentleman had been plundered of a number of fat cattle, all of which were retaken at Brookland and appropriated to the use of the royal army. Upon his return from New England, he presented a memorial to the General with affidavits annexed, proving his property in the cattle, their being forcibly taken away by the rebels, retaken at Brookland, their appropriation to the use of the army, their value, the promise aforesaid, and a desire of payment. The answer was that the whole must be referred to Mr. Chamier, the Commissary-General, to report upon, before anything further could be done. A reference to the Commissary was accordingly made, and all the vouchers laid before him. Notwithstanding repeated applications, four months elapsed before any report was made, and when made, was of such a nature that no order could be given in consequence of it for the payment required. It was referred back for a more ample report, the Commissary refused to give any other, and the General refused payment upon the one already made. The report was a curious one, "that he (the Commissary) " did not know nor did the papers point out what regi-

"ments eat the cattle." By which manœuvre a steady, firm, and persecuted loyalist was deprived of his property because he was unable to tell whether the meat of his cattle had been chewed by the teeth of the English, the Irish, or the Germans, the Scots, or the provincials; and that at the time when he was a prisoner at the distance of over 100 miles from the scene of action. In a conversation with the Commissary upon the subject, he was asked whether the Crown was not charged for the cattle? he answered, "Yes, for all the cattle when at Brookland." He was then asked as the Crown was charged, who was to have the money? his answer was "The owners of the cattle, most certainly." The next question was, whether he was not convinced from the several affidavits annexed to the memorial that Mr. Jones was the owner of the cattle mentioned therein? he turned upon his heel, at the same time saying "I have nothing further to do in the matter, I have made my report, and by God I will never alter it or make any other." Here the matter rested and is likely to rest till doomsday. Mr. Jones's cattle were taken from him, applied to the use of the army, the amount charged to, and paid for by, the Crown, and the cash, the absolute and real property of Mr. Jones, divided between (if fame speaks truth) the General and the Commissary.

In the winter of 1776 the refugees at Kingsbridge received intelligence from their friends in the country, that a large parcel of cattle, for the use of the rebel army at Morristown, in New Jersey, was at such a time to pass through the County of Westchester on the way to their place of destination, under rather a slender escort. The refugees came to a resolution of waylaying them upon the road, and finding where they quartered

of a night, they surprised the guard attending the cattle, surrounded the house in which the party lay, made them all prisoners, and brought them all safe within the British lines, with the whole drove of cattle, consisting of about 500 head. Under pretence that the cattle were wanted for the use of the army (which might be the real case) the Commissary obtained an order to seize these cattle for the use of the troops, which was accordingly done, and the captors were allowed sixpence currency a pound, though the butchers in New York would willingly have purchased every one of them at the rate of a shilling a pound currency. It will appear from the Commissary's accounts of that period that all the fresh beef he then supplied the army with, is charged to the Crown at  $1/6$  sterling per pound. The head and skins he claimed as perquisites of his own, and disposed of them accordingly. Thus went John Bull's money, and this accounts for the amazing sums accumulated by Commissaries, Barrack-Masters, etc., during the American rebellion.

General Howe, to the surprise of every body, after spending three weeks upon Long Island after the decisive battle at Brookland, his troops having completely plundered the inhabitants in those parts where they were encamped, and the rebels having recovered the panic in which they were thrown by the action of the 27th of August, his Excellency, on the 15th of September,<sup>1</sup> embarked the royal army in flat bottomed

<sup>1</sup> The rebels themselves were astonished at this delay. General Putnam, in a letter to the Governor of Connecticut, dated New York, 12th Sept., 1776, says, "General Howe is either our friend or no General. He had our whole army in "his power on Long Island and yet suffered us to escape without the least interruption; not to escape but to bring off our wounded, our stores and our artillery. We "are safe upon York Island, and the panic (which was at first universal) is nearly "worn off. He is still with his army upon Long Island—his long stay there sur-

boats in Newtown Creek, crossed the river, and, without the loss of a man, effected a landing upon New York Island at a place called Kipp's Bay, proceeded to (defeating every thing that attempted to impede its march), and took possession of, the Heights of Inclenberg, about the middle of the island, and equally distant between the two rivers. Upon this the enemy evacuated the city, and retired deliberately, and without opposition, to their works upon the Heights of Harlem, to Fort Washington, and to Kingsbridge, passing the right flank of the royal army in full view, within less than a mile. The greatest part of their stores and provisions and all their cannon were left behind. The British army entered and took possession of the city the same evening. Six nights after which, some of the emissaries of rebellion (who had concealed themselves in the city), in consequence of the resolution entered into, as before mentioned, between a Committee of Congress and another of the New York Convention, to burn the city in case the rebel army should be obliged to abandon it, set fire to the town in several different places, with a strong southeasterly wind, and destroyed nearly one fourth part of it, before an end could be put to the flames. Numbers were taken in the very act, with matches in their hands, setting fire to the houses, and committed. But as many had, during the consternation, been sent to jail upon suspicion, and as, in the hurry, no affidavits could be taken or even memorandums made of the names of the prisoners, or the particular circumstances under which the several commitments took place, no specified charge could be laid against any one in particular.

"prises us all. Had he instantly followed up his victory the consequence to the cause of liberty must have been dreadful."

The consequence of which was an order from the General to discharge the whole. Many honest, worthy, loyal subjects were by this fire reduced from affluence, to indigence, and some lost their all.

While General Howe is preparing in New York for the future operations of the army, let me observe that if instead of exchanging the rebel officers taken at Brookland, the Governor of New York had issued a special Commission of Oyer and Terminer for King's County and tried them for treason, conviction must have taken place. The treason was committed in the presence of thousands, they were taken in arms, fighting against their Sovereign, with the avowed intent of throwing off their dependence and subverting his government in America. Sentence of death should have been passed upon every one above the degree of a captain (though not carried into execution but kept hanging over their heads in *terrorem*), and all captains, subalterns, non-commissioned officers, and privates discharged upon promise of not taking up arms again during the war. I say, had this been done, the most salutary consequences would, in all probability, have ensued. With this measure, rebellion would probably have ended. But a different set of politics at this time prevailed, the rebels were to be converted, the loyalists frowned upon. Proclamations were to end an inveterate rebellion. An opposition, a most unprincipled opposition, in England was to be pleased, the almighty powers and patronage of the Commander-in-chief to be continued, that Quartermasters, Barrack-masters, Commissaries, &c., might enrich themselves by amassing large fortunes out of the public. This was effectually done. They became nabobs of the West, and became equally rich with those of the East. Had half the



pains been taken to suppress the American rebellion, as there was to drain the British Treasury of its cash, any one year of the war would have demolished rebellion, and Great Britain been at this day still in full possession of 13 opulent Colonies, of which she has been dismembered by the misconduct and inattention of one General, by the stupidity of another, and by an infamous Ministry who patched up an ignominious peace, to the dishonour of the nation, the discredit of their sovereign, and to the ridicule of all Europe.

On the 12th of October, 1776, a month after being in full possession of New York, the General embarked his army in flat-bottomed boats, attended by a number of men-of-war, and other armed vessels, sailed up the East River or Sound, passed Hellgate and landed upon Frog's Neck; here a whole fortnight was spent in doing nothing (plundering the inhabitants and stealing their horses excepted). The army was then re-embarked, sailed again, and landing upon Pell's Neck, immediately marched up to the White Plains. Several skirmishes took place upon the march between detachments of the two armies. The British were always victorious, and vanquished whatever appeared to give it opposition. Upon the near approach of the royal army, the rebels burnt the village of White Plains, consisting of about 50 houses and an elegant Court House, retreated some distance to the eastward, took possession of, and fortified some rising ground. General Howe took possession of the destroyed village. The armies continued looking at each other for several days. The British General in the meantime increased his army with fresh troops drawn from New York and Staten Island. The Anspachers from Germany also joined him at this place. The rebel army was now

mouldering away by the desertion of the New England militia in whole regiments at a time. The rebels, expecting every hour an attack, and being greatly reduced in numbers, silently struck their tents in the night, *unknown to the English army*, retired to and took possession of the high ground near North Castle, about six miles further eastward and adjoining the frontiers of Connecticut.

Before we proceed to relate the further operations of the campaign, an anecdote must be now mentioned. General Silliman was at this time in Washington's army, where he commanded the Militia of the County of Fairfield, in Connecticut. In June, 1779, he was taken prisoner by some refugees from Lloyd's Neck and carried to Long Island; he had quarters assigned him at Flatbush, in King's County, about five miles distant from New York. Living in the neighbourhood, an intimacy took place between the General and the writer. In one of our conversations the subject turned upon the situation of the two armies, encamped at so small a distance from each other at the White Plains, in the fall of 1776, when the General (who is rather enthusiastic) thus expressed himself: "Providence there favoured us in a most remarkable manner. A mist was cast before the British General's eyes. It was no doubt an act of the Almighty, who favoured our righteous cause. General Howe had our whole army in his power, and had he not been blinded by the directions of providence, every soul of us must have been prisoners, and our cannon, baggage, and stores either taken or destroyed." I asked the General what would have been the consequence of such defeat? He lifted up his eyes and exclaimed, "The Lord befriended us, had we been then defeated"

(which General Howe could with ease have effected) "another army could never have been raised, the "Colonies must have submitted and accepted such "terms as Great Britain would have offered." Then again lifting up his eyes, sighed, and with great emphasis uttered, "The Lord was our protector." The rebel army I fancy were much more obliged to a factious opposition in England, of which the General was a member, than they were to the Lord of Hosts.

The rebels having abandoned their lines near the White Plains, and retreated with their cannon and baggage, and taken possession of the high grounds about North Castle as before mentioned, the British General thought it needless (as he expressed it himself) to pursue a flying enemy (most people differ with the General upon this head and think a flying enemy the only enemy that can be pursued), broke up his encampment, left Westchester, returned to Kingsbridge, passed Harlem River to New York Island, attacked and carried all the rebel lines, redoubts and fortifications upon the heights of Harlem, Fort Washington excepted, which General Knyphausen being prepared to storm, the garrison, consisting of 3,000 men, on the 16th of November surrendered prisoners of war. This put the British in full possession of the whole of New York Island. Fort Washington stood on the eastern bank of the Hudson, and a fort stood opposite to it on the western bank called Fort Lee. To attack the latter, early the morning after the surrender of Fort Washington, Lord Cornwallis and General Vaughn passed the Hudson with part of the royal army. The rebels, getting intelligence of this movement, abandoned the fort, and fled with the utmost precipitation, leaving their artillery, stores, baggage, and

everything else behind them. They left their very pots boiling upon the fire. Washington, in the meantime, being deserted by the militia of New York, and the four New England Colonies, who had left his army and returned to their respective homes, marched with a few broken regiments of Continentals to Peekskill, crossed the Hudson, and at Hackensack, in New Jersey, joined the runaway garrison of Fort Lee; the whole, after the junction, forming an army of about six thousand half starved, half clothed, half armed, discontented, ungovernable, undisciplined wretches. Lord Cornwallis and General Vaughn upon the evacuation of Fort Lee, differing in opinion from the Commander-in-Chief, "*pursued the flying enemy*" with the utmost dispatch. The rebels fled towards New Brunswick upon the Raritan, on the road to Philadelphia. Whenever a British detachment in this pursuit fell in with a rebel detachment the latter was instantly dispersed. So great was the panic at this time among the rebels, that a captain of their's with above 50 men, near Hackensack, took to their heels upon the approach of six waggoners dressed in red coats. In a very few days Lord Cornwallis and General Vaughn entered Brunswick, Washington having left it and proceeded to Princeton, twelve miles further on. At Brunswick, Lord Cornwallis halted, his orders being positive from the Commander-in-Chief to proceed no further. Washington, finding the British army remained at Brunswick in quarters, continued at Princeton. In the beginning of December, General Howe, upon receiving intelligence from Lord Cornwallis of the situation of affairs in New Jersey, left New York, joined Lord Cornwallis at New Brunswick, and after making the necessary arrangements, continued the pursuit of the rebel army.

They pushed for the Delaware. The British pursued. The moment Washington reached the Delaware at Trenton, he seized upon the boats, scows, flats, and small craft, embarked his army and passed the river. He had scarcely landed on the opposite shore when the British arrived upon its eastern bank.<sup>1</sup> This completed the conquest of all New Jersey, Morristown excepted, where Gates and Lee then lay with a considerable part of the Northern army then just returned from Ticonderoga. The violent partisans of Jersey fled either to New England, the upper parts of New York, or to the Southern Colonies, "all was given up for lost." While all the other inhabitants of the Colony, amounting to many thousands, returned to their allegiance, submitted to Government, renewed their oaths of allegiance, received protections, and peaceably returned to their several places of abode.

Had the British General, with his army, passed the Delaware and gone to Philadelphia, from whence Congress, and all its warm advocates had fled, and where the inhabitants were impatiently waiting their arrival, wishing personally to congratulate them as their deliverers from the tyranny, the arbitrary power, and oppression, of Congress, all would have been safe. Washington's army, at crossing the Delaware, were reduced to less than 4,000 men.<sup>2</sup> Had the pursuit been

<sup>1</sup> "Washington's army, which consisted, when the campaign of 1776 commenced, of 50,000 men, was, before Christmas in that year, reduced to 3,000. General Lee was also about this time surprised and made a prisoner, he was the best General the rebels then had." This is an extract from Harvey's Naval History.

<sup>2</sup> Harvey says to 3,000, and Gordon says, when at Newark a few days after the evacuation of Fort Lee it consisted but of 3,500, that Washington considered the cause in the greatest danger, and said to Colonel Reed, "Should we retreat to the back parts of Pennsylvania, will the Pennsylvanians support us?" The Colonel answered, "If the lower counties are subdued and give up, the back will do the same." "We must then," said Washington, "retire to Augusta County in Virginia.

continued, the rebel chief (whose army was still dwindling away) would scarcely have stopped short of Maryland, and perhaps gone even into Virginia. Philadelphia stood ready to open her gates to the conqueror, and to give him a hearty welcome as her happy deliverer. Congress even went so far as to advise the citizens of Philadelphia to make their peace with the British, as soon as they entered the Colony, declaring "*that as they could no longer give them protection, they must submit to that power which could.*"

Had the General gone to Philadelphia (quarters might have been had in that City for 10,000 men), the whole country between Philadelphia and New York would have remained open and quiet, provided General Assemblies had been called in the conquered provinces, the loyalists armed and formed into a militia, all suspected persons disarmed, the Courts of Justice opened upon the old Constitutional foundation, and the army restrained from plunder. Had this been done, the American rebellion, in all probability, would have closed with the year 1776. But unhappily for America, as much so for Great Britain, a victorious army, in full pursuit of a flying inconsiderable enemy, were stopped upon the banks of the Delaware, and instead of taking the necessary steps for the security of New Jersey, a licentious army was suffered to plunder and to commit every kind of rapine, injustice, and violence, indiscriminately upon the inhabitants, the consequence of which became dismal. It ended in the loss of the province, the ruin of hundreds, and the lives of thousands.

The only reason I ever heard given for the General

Numbers will be obliged to repair to us for safety, and we must try what we can do in carrying on a predatory war; and if overpowered we must pass the Alleghany Mountains." Such was the wretched situation of the rebels in November, 1776.

not passing the Delaware was, "that the rebels had "carried all the boats across the river." But I have been told by a gentleman of the first character, a noted loyalist, and a member of his Majesty's Council for New Jersey<sup>1</sup> "that there was a board yard entirely full, and directly back of the house in which the Commander-in-Chief had his headquarters, and which he must have seen every time he looked out of his bedroom window." Besides, there were in Trenton a number of large barns, and store houses, built of boards, out of which rafts might have been made in the space of two days sufficient to have transported the whole British army, with their baggage, artillery, and provisions across the river. But it seems the American War was not to end yet. This was but the first real campaign; the General's favourites were not yet sufficiently enriched; the rebellion was to be nursed, the General to continue in command, and his friends, flatterers, mistresses, and sycophants, to be provided for.

While the British army lay at Trenton, upon the banks of the Delaware, Colonel Harcourt of the Light Horse, with a small party guided by an honest loyalist, left his quarters in the evening, rode near 70 miles, surprised General Lee in his lodgings, made him a prisoner, and conducted him to Trenton early the

<sup>1</sup> Daniel Coxe, Esq. This is confirmed by Gordon, in his History of the American Revolution, who says "that when General Washington retreated with a handful of men across the Delaware he trembled for the fate of America, which nothing but the infatuation of the enemy could have saved, though they missed the boats with which they expected to follow him into Pennsylvania immediately. Yet Trenton could have supplied him with materials which industry might soon have constructed into sufficient convenience for the transportation of the troops, over a smooth river, not more than quarter of a mile wide at the most." I have often passed it, and can aver what Gordon says upon the subject to be facts. I was at the time a loyalist, but not in the army."

next morning. Lee was sent to New York, accommodated with good quarters and treated with hospitality.

General Howe, after quartering his troops at Trenton, Mount Holly, Maidenhead, Princeton, New Brunswick, Elizabethtown, Newark, Woodbridge, Burlington, and Amboy, returned with his suite to New York. In the disposal of the troops, one thing at the time was thought remarkable, he posted at Trenton, which lies upon the Delaware and was the utmost extent of the British cantonments to the southward, a parcel of Hessians who understood not a word of English, nor did the inhabitants understand a word of German; and he gave the command to a Colonel Rahl (though a brave man), a notorious drunkard. Neither was the necessary precaution taken of fortifying the church, the meeting-house, or Court-house, placing a few cannon therein and surrounding them with an abattis to which the troops upon an alarm might have retired and defended themselves until relieved; which might, with the greatest ease, have been done by the troops from Mount Holly, Maidenhead, Princeton, and Brunswick, in 24 hours; and all Washington's army at that time put together, could not have taken a place thus fortified under a week at least.

Early in December, 1776, General Howe dispatched General Clinton with 10,000 men, contained in 100 sail of transports at least, escorted by 14 men-of-war under the command of Sir Peter Parker, to attack Rhode Island. The transports and frigates went up the Sound, the large ships went round Long Island, and a junction was formed off the harbor of New London. The fleet arrived at Newport, the capital of the island, on the 8th December, when the island surrendered without a gun being fired. The General



landed the army and took peaceable possession. He found great numbers of the inhabitants remaining, but they were all Loyalists. The rebel Governor, Council, Assembly, and Magistrates, with about 500 Continentals, of which the garrison consisted, fled to the main upon the approach of the fleet. The conquest of this island was of no service to Great Britain or to the general cause. It divided the army, New York and Rhode Island being 200 miles apart. Common report at the time asserted that the expedition was planned in order, by its success, to wipe off some aspersions that had been cast upon the naval and land Commanders for their conduct and behaviour, in an attack upon Sullivan's Island, near Charleston in South Carolina, the preceding summer, which failed of success, owing, as numbers insinuated, to the carelessness, mismanagement, and want of conduct in the Commanders. If this was the intent of the expedition it answered the purpose, for the land Commander was honored with the order of the Bath for the conquest of an island without firing a gun or losing a man, without a garrison, and at the time of its surrender in the possession only of loyalists, quakers, and old women; and the Admiral was appointed Commander-in-Chief upon the lucrative station of Jamaica in the West Indies. Had this army, consisting of 10,000 effective men, instead of being sent upon the Don Quixote expedition to Rhode Island, penetrated the Jerseys by way of Amboy, and formed a junction with Lord Cornwallis at Brunswick, Washington's army must have been ruined, the conquest of New Jersey and Pennsylvania insured. The unfortunate affair at Trenton (of which the particulars hereafter), with all the ill consequences attending it, never could have happened. Washington's army

being in a great measure annihilated, another in that early stage of the rebellion could never have been raised, and a speedy submission of the revolted Colonies must have taken place. During this campaign they had been defeated in every action, in every skirmish; their forts were taken, their army reduced to almost a nonentity; their money so depreciated as to be scarce passable; their army (such as it was) without pay, without clothing, without salt, without rum,<sup>1</sup> without an ally, and the Congress fled from Philadelphia into the interior parts of the country. Yet this noble, this glorious opportunity was lost by the foolish, ill-projected expedition to Rhode Island. A cursed fatality, or something worse, seemed to attend the proceedings and manœuvres of our Commanders-in-Chief during the whole of the American War.\*

After the conquest of Rhode Island, General Clinton obtained leave from General Howe and went to England, his avowed intent, to call Lord George Germain, the American Secretary, to an account, for having published a mutilated copy of the General's letter to him

<sup>1</sup> A letter from a foreigner, dated Philadelphia, Jan. 7th, 1777, says "What will hasten the reduction of this country is the want of warlike stores—they want everything, linen, woolens, leather, cordage, salt, rum, sugar, &c. These last articles are of more use than might be imagined, so much do the Americans in general detest the war. Yet it's easy to see, if their wants are increased to a certain pitch, they will prefer the English yoke to a liberty which deprives them of the comforts of life."

<sup>2</sup> An officer in the rebel army in a letter to a friend in Connecticut, of the 1st December, 1776, after giving an account of the loss of the forts Washington and Lee, and the march of their Army through Jersey, says, "Howe committed a great error in Generalship by not sending a body of forces by way of Amboy. By this he would have seized all our stores and magazines which were at Brunswick, and intercepted us in our march through Jersey. It would have been the ruin of our army." General Robertson in his "Explanation" before the House of Commons, made the same observation, his words are these: "If General Howe had sent a large detachment, which he could then well spare, by the way of Amboy, into Jersey, the rebel army must have been cut off. Nothing but great good luck could have saved them."

giving the particulars of the expedition to South Carolina, the attack upon Sullivan's Island, and the reason of its failure. His Lordship had timely notice. A gentleman was kept in waiting at Portsmouth for the arrival of the General with a letter to be delivered the moment he landed containing the most fulsome eulogies, panegyrics and applause, begging him to return instantly to America as the cause required the presence of so able a man and so experienced a military character. But Clinton who had the courage of a lion, with the roughness of a bear, was not to be coaxed; besides he knew the man. He knew him at Minden, was an eye-witness of his conduct on that glorious day. The Secretary, therefore, found it necessary to take other steps. He shifted his ground. He promised Clinton the order of the Bath, and the thanks of both houses of Parliament for his valor, his heroism, and conduct in the conquest of Rhode Island, (garrisoned, as before mentioned, with loyalists, quakers, and old women). Though Clinton was not to be bullied or coaxed, his ambition was flattered. He agreed to the proposal, made friends with the Secretary, received the thanks of Parliament, and the order of the Bath. This done, he contentedly returned to America. One thing in this business is particularly remarkable; when Clinton was elected a knight of the Bath the order was full, and his election actually constituted an additional knight. So hard pushed was the American Secretary to avoid a duel which Clinton came 3,000 miles to challenge him to, and which, as a man of honor, he could not have well refused.

General Carleton having in the summer of 1776 driven the rebel army out of Canada, and recovered the province, was obliged to wait at St. John's at the

upper end of Lake Champlain, until he could rebuild the fort at St. John's, and that, upon the neighboring Isle of La Noix, which the rebels had demolished upon their leaving Canada, and also to build a number of armed vessels, (the enemy having a fleet upon the Lake) before he proceeded to attack Crown Point and Ticonderoga, rebel garrisons at the bottom of the Lake. This was a work of time; it was, however, cheerfully undertaken, and carried on with spirit, industry, and alacrity. It was towards the end of September, before the fleet was finished and ready to sail.<sup>1</sup> The General then embarked his artillery, stores, &c., and proceeded down the lake preceded by the fleet. The rebel fleet met the British near Isle Valcour. An engagement took place. The rebels soon fled and made the best of their way down the lake. The English pursued. The rebels were overtaken before they reached Crown Point, and a battle commenced. The rebels were totally defeated. Two Galleys were taken, one was burnt, two only escaped. The famous General Arnold (of whom enough hereafter) commanded the rebel fleet. His flag was on board the Congress galley, and rather than fall into the hands of the English, he ran her ashore and blew her up, together with 5 gondolas, showing by this act his spirit, his resolution

<sup>1</sup> Gordon, in his history of the American revolution says, that General Carleton before he commenced his operations upon the lake shipped off the Americans made prisoners in Canada, for New England, and supplied them with everything proper to make the voyage easy and comfortable. The other prisoners made upon the lake, amounting to 800, he also returned by a flag, obliging them to take an oath not to serve during the war unless exchanged. Many of these being almost naked, Sir Guy clothed out of compassion. By his tenderness and humanity he gained the affections of those Americans who had fallen into his hands, and did more towards subduing the rest, than ever could have been effected by the greatest cruelties. Gates often said, that if General Howe had treated his prisoners and the inhabitants of New Jersey with the same kindness, it would have been all up with the Americans.

and intrepidity, but by no means his humanity ; as a number of sick and wounded seamen and soldiers then on board, and whom they had not time to remove, were murdered in the explosion.' The rebels dismantled Crown Point upon the approach of the English, and collected their whole force at Ticonderoga. General Carleton landed at Crown Point. It was now some time in October, and finding Ticonderoga too strong to be taken without a regular siege, and the winter fast approaching, he re-embarked his army, returned to Canada, and cantoned his troops in different parts of the province. Thus ended the campaign of 1776, with the recovery of all Canada, the demolition of the rebel fleet upon Lake Champlain, the conquest of Staten Island, Long Island, New York Island, all New Jersey (Morristown excepted), a great part of the County of Westchester, and the whole of Rhode Island ; besides which, the rebel grand army, whenever brought to action, had been always defeated and that army reduced from 10,000 to about 4,000 men, while the British Army consisted of at least 30,000 effectives ; they had besides two regiments of horse, the rebels had none. Yet for want of prudence, conduct, military knowledge, or something worse, things shortly took a different turn, (of which hereafter).

So far did Connecticut look upon the contest with Great Britain as over, that in December, 1776, the Great and General Court not only released every pris-

<sup>1</sup> Gordon, in speaking of the last action between Gates and Burgoyne, says, that Arnold was military mad, he appeared in the heat of the engagement so beside himself as scarce to know what he did. He struck several of his officers with his sword without any apparent reason, and when called upon the next day and satisfaction required, he declared he recollected nothing at all of it, and was sorry if it was so. Some of his orders were exceedingly rash and injudicious, and argued thoughtlessness rather than courage. Gordon says that Lieutenant Edward Brooks, who was in the action, was his informer.

oner in their power (except Governor Franklin, who was detained and most inhumanly treated, and that at the request of his father, the arch rebel, Dr. Franklin) but actually appointed and empowered a committee of their body to proceed to New York, to make submission to the King's Commissioners, to ask a restoration to the King's peace, and, if possible, to preserve their charter from forfeiture, their estates from confiscation, and their persons from attainder. But the unfortunate action at Trenton, which happened shortly after, and the consequent transactions in New Jersey, put an end to this favourable disposition in the inhabitants of Connecticut.

## CHAPTER VII.

UPON General Howe's entry into New York in September, 1776, the soldiers broke open the City Hall, and plundered it of the College Library, its Mathematical and Philosophical apparatus and a number of valuable pictures which had been removed there by way of safety when the rebels converted the College into a hospital. They also plundered it of all the books belonging to the subscription library, as also of a valuable library which belonged to the Corporation, the whole consisting of not less than 60,000 volumes. This was done with impunity, and the books publicly hawked about the town for sale by private soldiers, their trulls, and doxeys. I saw an Annual Register neatly bound and lettered, sold for a dram, Freeman's Reports for a shilling, and Coke's 1st Institutes, or what is usually called Coke upon Littleton, was offered to me for 1s. 6d. I saw in a public house upon Long Island nearly 40 books bound and lettered, in which were affixed the arms of Joseph Murray, Esq.,<sup>1</sup> under pawn

<sup>1</sup> This gentleman was a native of Ireland, came to New York young, served his time to the law, and was at the head of the profession, by which he made a large fortune. He was honest, religious, charitable, and lived with unbounded hospitality. Was a strict Episcopalian. He married a daughter of Colonel Cosby,

from one dram to three drams each. To do justice even to rebels, let it be here mentioned that though they were in full possession of New York for nearly seven months, and had in it at times above 40,000 men, neither of these libraries were ever meddled with, (the telescope which General Washington took excepted). Nay, so far were they from interfering with the law, that the magistrates continued in full possession of the civil powers, and the courts of justice were open in the usual manner until the Declaration of Independence. In April term, 1776, several rebel soldiers were indicted for some petty larcenies, tried, convicted, and punished by order of the Court, without any interference of the military ; their officers attended the trials, heard the evidence, and upon their conviction declared that ample justice was done them, and thanked the Judge for his candor and impartiality during the course of the trials.

In December, 1776, after General Howe had driven the rebel army over the Delaware, and put part of his troops in quarters at Princeton, they, among other plunder, robbed Nassau Hall of its library, its mathematical and philosophical instruments, and other appurtenances. Upon the sacking of the town of New Haven in Connecticut by General Tryon in June, 1779, Yale College, situate at that place, was plundered of a library consisting of many thousand books which had been collecting for very near 100 years, with many curious and valuable manuscripts, a remarkably fine orrery, a celestial, and a terrestrial, globe, and many

who was Governor of New York. His lady and the late Earl of Halifax were first cousins. Governor Cosby's lady was sister to the old Earl. He died in 1757, aged 64. Was one of his Majesty's Council, and by his will devised all his residuary estate to King's College ; the Governors took his library as part of the devise.



other things of consequence ; besides a selection of well-chosen books, a present to that seminary from the late Dean Berkley, afterwards Bishop of Cloyne in Ireland, and known by the name of "The Dean's Library." In the same month, upon plundering and burning the town of Norwalk, in the same Colony, under the orders of the same General, a most elegant, large, beautiful, and well-collected library, an heirloom belonging to the Morrisania family in the County of Westchester,<sup>1</sup> which had for safety been removed to Norwalk, was pillaged, carried to New York, and disposed of by the thieves, the robbers and the plunderers, in the same manner as those plundered in New York had been before disposed of. All this was done

<sup>1</sup> The ancestor of this family was a Colonel Morris, who, in the civil wars in the reign of Charles the 1st by artifice and intrigue, surprised the castle of Pomfret, then held by the King, and delivered it up to the Parliament. He was made Governor and Commander of it. It was strongly fortified, well supplied with artillery, and all kinds of military stores, the garrison with respect to troops complete. Being of a disposition rather whimsical, he took it into his head to betray his employers, and redelivered the garrison, the stores and artillery into the hands of the King. Upon the ruin of the royal cause he was attainted, and his estate confiscated. He privately left England and went to Barbadoes, and either really turned, or disguised himself under the garb of, a Quaker. From Barbadoes he went to New York, after its Conquest from the Dutch, and obtained a grant of a large tract of land in the County of Westchester about seven miles from New York, lying upon the banks of the East River, and divided from York Island by a small river called Harlem River, which he called by the name of *Morrisania*. He had no children. He adopted one, a nephew, his name Lewis. This lad was young, sprightly, and wild. His Uncle procured him a preceptor, one Hugh Copperthwait, an enthusiastic Quaker preacher. The pupil taking advantage of his tutor's enthusiasm, and knowing his evening walks, got into a high tree covered with leaves, and when the Quaker approached, he called him three times distinctly by his name, and each time told him he was required to go and preach the gospel among the Indians. Hugh looked upon it as a call from Heaven, and was actually preparing for his journey when the imposition was discovered. The uncle being extremely vexed upon this occasion, young Lewis, to avoid chastisement, left the family and strolled as far as Virginia, where he turned school-master. He soon got tired of his school, gave it up, and went to the island of Jamaica. Here he commenced scrivener. But growing weary of this kind of life he returned to his uncle, who received the young prodigal with joy. His uncle upon his death left Lewis his

with impunity, publicly, and openly. No punishment was ever inflicted upon the plunderers. No attempts were made by the British Commanders to obtain restitution of the stolen goods, nor did they ever discountenance such unjustifiable proceedings, by issuing orders condemning such unmilitary conduct, and forbidding it in future. In short, from the whole conduct of the Army during the course of the war, it seemed as if the suppression of a dangerous rebellion was but a secondary consideration. The war in fact, was not levied at rebellion, but at the treasury of Great Britain; at his Majesty's loyal subjects within the lines; indiscriminately against all persons wherever the army moved; against erudition, religion, and literature in gen-

whole estate. He married and settled at Morrisania; he represented the Borough of Westchester in General Assembly for many years, was for some time Speaker of the House; he was also Chief Justice of the province. Upon the surrender of the powers of Government to the Crown by the proprietors of New Jersey, he was made Governor of that colony. He died there at a very advanced age. He left two sons Lewis and Robert Hunter. To Lewis he gave Morrisania. To Robert Hunter his large real estate in New Jersey called Tinton. Lewis who represented the Borough of Westchester for several years, was also some time Speaker of the House, was afterwards one of his Majesty's Council, and for many years before, and at the time of his death, Judge of the Admiralty for the provinces of New York, New Jersey, and Connecticut. Robert Hunter was Chief Justice of New Jersey, and one of the Council. He was afterwards Governor of Pennsylvania. Upon the appointment of a new Governor he returned to Jersey and continued Chief Justice to the time of his death. He died a bachelor. Lewis left three sons by his first wife, Lewis, Staats Long, and Richard. By his second wife an only son named Gouverneur. Lewis was a delegate in Congress, and a General in the rebel militia during the American war. He had two or three sons in the same service. Staats Long early engaged in the military life, was at first a Lieutenant in one of the independent companies at New York. When Shirley's regiment was raised in 1754, he got a company, and was, upon that gentleman's succeeding to the Chief Command in America, made one of his aid-de-camps. Upon Shirley's recall Captain Morris attended him to England, where he married the late Dutchess Dowager of Gordon. This was the foundation of his fortune. He afterwards went to India as commandant of a Battalion of Highlanders, raised by his stepson, the present Duke of Gordon. He is now a Lieut.-General in the British service, and commands the 61st regiment. He is good-natured, honest, brave, and generous, and a loyal subject. Richard was bred to

eral. Public Libraries were robbed, Colleges ruined, and Churches of all denominations burned and destroyed ; while plunder, robberies, speculation, whoring, gaming, and all kinds of dissipation, were cherished, nursed, encouraged, and openly countenanced.

Whether from an apprehension of being made prisoners, or plundered, or for what other reasons are to themselves best known ; but no sooner were the two

the law, and after the death of his father appointed Judge of the Admiralty Courts in the provinces aforesaid. He was also Clerk of the Courts of nisi prius and general jail delivery. He was warm in the cause of rebellion, and is now Chief Justice of New York. Gouverneur was also bred to the law, was a Committee-man for the County of Westchester, a Member of the New York provincial Convention, and afterwards a delegate in Congress. He is a witty, genteel, polite, sensible, and a judicious young fellow, and has more knowledge (though still a youth) than all his three other brothers put together. I have some reason to believe that the Morris of the delightful situation of Persefield in Monmouthshire are of the same family, and that the estate there, or at least a part of it, originally belonged to the ancestor of the Morrisania family in New York. What induces me to believe this, is, that I have been often told by the Morris in New York, that the confiscated estate of their ancestor lay in Wales, and was purchased by one of the family. But what strikes me more is this : Mr. Morris of Persefield has the ruins of an Abbey upon his estate called Tinton Abbey, which is upon a particular manor (part of the estate) called Tinton. I have been often told that the manor of Tinton in New Jersey, was called after a manor of that name in Wales, forfeited by the attainder of the Colonel Morris who first settled in New York. This family are so remarkable for "*enlarging the truth*" that all stories suspected of not being true are known throughout the County of Westchester, in the City of New York, and on the westernmost part of Long Island, by the name of "Morrisanias." Lewis, who was Chief Justice of New York and afterwards Governor of New Jersey, though amazingly sensible was extremely whimsical. He was told by his miller one day, when a heavy flood was coming on, that the gates should be opened or the dam would go away. Instead of ordering the gates opened, he sat himself down to calculate how many cubical inches of water the dam would sustain. Before the calculation was complete, the dam went away. He once built at Tinton in New Jersey in the middle of a forest, a sloop about ten miles distant from any water. He carried one day a number of gentlemen to see this sloop, a sloop of his own construction, built according to his own fancy and more happy method. One of the gentlemen asked, "Pray Colonel when this sloop is finished how are you to get it into the water?" "My God," says the Colonel, "I never thought of that," and the sloop rotted upon the stocks. Lewis, who was Judge of the Admiralty, instead of a hat, used to wear upon his head a Loon's skin, a large American sea fowl, with all its feathers on.

strong rebel forts of Washington and Lee erected upon each bank of the Hudson as a security for that River taken ; the whole Island of New York with its City in possession of Britain, and Lord Cornwallis with a victorious army making large strides towards the total conquest of New Jersey ; than William Smith, Esq., and his brother Tom, instead of taking the opportunity if they were really loyal and had an inclination as others in the same circumstances did, of returning to the City of New York (there was no impediment in the way, the river was open, it was possessed by the King's fleet from New York to the Highlands, no rebel troops were lower down than Fort Montgomery in that quarter ; Lord Cornwallis was hunting them out of New Jersey, those that had been in the County of Westchester were all retired either into New England, or above the Highlands ; the finest opportunity therefore now presented itself to the Smiths of testifying their loyalty, if any they had, by abandoning the rebel country, and joining the royal standard at New York) removed from their country seats at Haverstraw, went nearly 100 miles further up the river, settled themselves within the Manor of Livingston, the proprietors of which are relations by marriage to the aforesaid William Smith, his particular friends, and connected with him in the strongest ties of politics, and religion. There they seated themselves under the protection of those, who by their Declaration of Independence had assumed the powers of Sovereignty over the thirteen revolted Colonies, had declared themselves independent States, had declared all *political connection* between them and Great Britain dissolved, and, in imitation of the power and infallibility claimed by the Pope, had absolved all the inhabitants

within those Colonies from their oaths of allegiance to their lawful Sovereign the King of Great Britain. Smith knew all this. Smith had it in his power to go to New York. It was his duty to have joined the royal army as soon as possible. He was one of his Majesty's Council. He was besides a patent officer under the Crown. His allegiance, his honour, his duty, his oath, and his loyalty (if any he had) all demanded his return to New York, when conquered by, and in full possession of the Crown. The road from Haverstraw to New York was plain, the river was open, and in the actual possession of the King's fleet. Yet this glorious opportunity was neglected. In preference to which, he chose to proceed 100 miles further up the Hudson, and fix himself in a republican, presbyterian county, under the protection of their High Mightinesses the Honourable the Continental Congress.

Smith being now seated in the Manor of Livingston,<sup>1</sup>

<sup>1</sup> The original patentee of this Manor was born in Holland; his parents were Scotch, his father a presbyterian parson. He came to New York in the reign of Charles 2d. The province was then a Territory belonging to the Duke of York, afterwards James 2d. He was advised to lay out what money he had in land. He liked the advice, and purchased of the natives 10,000 acres about 40 miles below Albany, bounded westerly by the Hudson, easterly, northerly, and southerly by certain heaps of stones piled together. The Patent from the Duke's Government contains the same boundaries, but by some kind of means the heaps of stones had got so far to the East, South & North that in a few years the boundaries contained 100,000 *acres* instead of 10,000. Yet those in the Indian Deed and those in the Patent are exactly the same. The reserved quit rent is a white rose payable annually, on the 10th of June, the old pretender's birthday.

When James 2d abdicated the Crown, and the revolution took place, Mr. Livingston thought it prudent (he had more reasons than one) to take out a new grant or confirmation for the Manor, which he accordingly did, and as the enchantment still continued, the stones still rolled East, North, and South, and though the Confirmation contains the same boundaries as the original patent, yet the Manor now contains at least 300,000 acres, instead of the 100,000 in the first patent, and the 10,000 in the Indian Deed, which 10,000 was all the Indians really sold, or that Mr. Livingston honestly bought and paid for. He settled upon this land, and living to a good old age saw it considerably settled and improved in his lifetime. He

accounts transmitted from that part of the Country, and all intelligence brought in by Loyalists who had either made their escape from, or been banished by, rebel committees and conventions, agreed that he was warmly attached to the American cause, though acting with as much cunning, art, hypocrisy, and dissimulation as possible. That he privately was consulting with, and amongst his friends and relations, the Livingstons, and secretly advised them, in all their measures. Nay, so far pointedly did this information and intelligence go, that we were assured from authentic authority brought from the rebel country, that this very identical gentleman had, at the request of the provincial Convention, actually drawn a constitution for the rebel Government of New York, or had altered, revised, and amended, or counselled, advised, and consulted with a committee of theirs upon the rough draft, and assisted in its completion.

In the spring of 1778 Daniel Horsmanden, Esq., who had been for many years Chief Justice of the province died. Accounts were received from England that the Parliament had passed an act repealing the several acts so very obnoxious to America ; another declaring the


made an equal division of it by his will, and gave the Northern part to his eldest son Philip, and the Southern to his other son Robert. The descendants of the devisees hold their respective shares to this day. The whole was entailed by the old man's will. It is now completely settled, and the Lords of the Manor enjoy incomes equal if not superior to many of the petty Princes in Germany. A right is granted by the patent of holding a Court Baron, and the appointment of a Steward as Judge of such Court. This privilege has never been exercised. The tenants are also exempt from doing suit or service in any other Court. The Manor has also the privilege by its grant of sending a member to General Assembly. This was always enjoyed, and one of the family ever served in that capacity until the American Revolution, when this privilege was taken from them, and the County ordered to choose a certain number at large ; by which act, the Manor of Rensselaerwyck, the town of Schenectady, the Manor of Cortland, and the Borough of Westchester are deprived of similar privileges.

Colonies for ever exempt from taxation by the Legislature of Great Britain; that the King was authorized by a third to appoint Commissioners to proceed to America, and settle all matters in dispute between Great Britain and the Colonies; that the Commission had passed the seals; the Commissioners appointed; that they were immediately to embark for America with full powers to offer such terms to the disaffected as was generally thought would meet with the desired effect; and that the eve of a firm and lasting reconciliation between Great Britain and the Colonies was fast approaching. It was also suggested that these Commissioners were vested with a power to appoint Governors, Lieut.-Governors, Councillors, Judges, and other officers, as a temporary expedient, until such appointments could be transmitted to England and his majesty's pleasure known. Smith now thought (as did his rebel friends) that his return to New York was not only necessary, but expedient and advisable, as well on his own particular account as on theirs. It was proper, necessary, and material for them to have a friend at headquarters, who could promote his own interest, serve their purposes, and from time to time give them such information as might be necessary in the regulation of their future conduct. How to get there was the question? This difficulty was soon removed. Reports were industriously spread about the country, transmitted to New York, and rapidly circulated within the British lines, *that Smith was a Loyalist, disaffected to the American cause, a spy upon rebellion, and privately sent intelligence to New York.* These reports having been propagated and spread about the country for a proper time, Smith was apprehended, carried before a Committee, and examined. Here he insisted that they

had no power or authority over him. That he was a British subject, that they were an illegal, unconstitutional body, and deserved no other appellation than that of a mob. Had a real Loyalist spoken as much, a dungeon would have been his fate, irons and shackles his portion, and bread and water his food. But everything was now understood. It is a common saying - that there are wheels within wheels. It was most certainly so in the present case. However, the farce was not yet ended. The Committee pretended to be at a loss what to do, or how to act. He was therefore sent to the provincial assembly, then sitting at Kingston in the County of Ulster. He was brought before them and *examined, caressed, soothed, flattered, and threatened*, but all to no purpose. He knew what he was about, and so did they; he continued *inflexible, obstinate, contumacious, and positive*. He was therefore ordered to be confined, as a state prisoner in the Manor of Livingston. This Manor, which was now made Smith's prison, contains at least 300,000 acres of land, his relations and friends are the proprietors, the whole is settled, and several families of the Livingstons, his most intimate acquaintances, live within its limits. This was now the loyal Smith's prison. Here was his confinement. He had the liberty of the Manor at large, here were his friends, here were his relations, and this was the only place where he would choose to be (New York excepted). The farce, however, was not even to end here. Smith must be got to New York, and he must get there in the character of a *Loyalist*, of a *steady persecuted Loyalist*, who had been *taken up, imprisoned, abused*, and at last transported by the *arbitrary oppressive hand of the rebel power*. George Clinton, then titular Governor of



New York, the rebel Senate, the Assembly, Smith, and the Committee, all understood each other. An oath was therefore framed in order to tender to all suspicious persons, with notice that every person refusing to take such oath (when legally tendered) should be considered as inimical to the State, not suffered to remain therein, but banished to New York, as an enemy to the Congress, to the "*liberties of the people*," and to the "*rights of mankind*." This oath, according to the settled plan, was tendered to Smith, and refused. It was also tendered to Major Colden (eldest son of the late Governor Colden) a noted Loyalist, and prior to the usurpation a Major in the Ulster Militia, and a Judge of the Superior Court of Common Pleas of the same County under his Majesty, and of course refused. Samuel Bayard, Esq., Deputy Secretary of the province, who had been long a prisoner in the rebel country, and who, to his honour, never abandoned the records, of which he had the custody, until forcibly taken from him, who wanted an opportunity of getting to New York, actually made interest with some of the rebel leaders to have the oath tendered him, that by refusing to take it he might be also banished to New York. His interest, it seems, being small, he failed in his application. In the meantime Smith and Colden were ordered out of the rebel part of the State for refusing to take the aforesaid oath, and sent to New York. This was accordingly done. But mark the difference. They were sent down in the same sloop. The Major was suffered to bring with him only the clothes upon his back, a few shirts and stockings, a bed and some bedding, with provisions sufficient only for the passage. On the contrary, Smith had full permission, and accordingly brought away with him his wife and family, all his household fur-



niture, his library, his servants, his chariot, his horses, and as much provision for his future use as he thought proper to purchase. The officer (the bearer of the flag) had also orders to stop in his way down at Haverstraw (Smith's country seat) and take from thence all such property as he should think proper to remove, which was accordingly done, and the two gentlemen safely landed at New York. Before I take leave of this celebrated character, this profound politician, and sagacious statesman, I shall mention a few anecdotes, which are so well attested that no doubt can be entertained of their authenticity. Colonel Worthington, a gentleman of Springfield, in Massachusetts, and one of the Mandamus Councillors of that Colony, was obliged in the summer of 1775 to fly from the persecution of the republicans in his own province and take refuge in New York. He and Smith had been long acquainted. The latter asked him to dine. The Colonel being in company with a friend of his a few days after, asked, in the course of conversation, what Smith's principles or sentiments were with respect to the present disturbances. The gentleman answered "that he knew not his real sentiments, but he well knew he was greatly suspected by the Loyalists of secretly encouraging Congressional measures." The Colonel replied, "He most certainly does. I dined with him a few days ago, and had a long conversation with him, and find him a dangerous man to converse with. He is artful, sly, and cunning, holds principles diametrically opposite to the British Constitution, and is an enemy to the Government of England both in Church and State."

An honest old Dutchman of undoubted veracity who lived in the County of Ulster, and who applied to George Clinton, the then titular Governor of New

York, for permission to pay a visit to his friends and relations upon Long Island (the place of his nativity), has frequently, publicly, and openly, declared to his friends and acquaintances, that in a conversation between him and Clinton upon the application aforesaid, after he had given the required permission, Clinton expressed himself thus: "When you will get within the British lines you will hear us greatly abused, ill spoken of, our opposition to tyranny called rebellion, and we rebels and traitors." After a short pause he added, "Well! if I am a rebel, Billy Smith made me one. I have been advised by him, have followed his counsel in whatever I have done, and if I am a rebel, I am a rebel of his making."

Major Colden, who was banished by the rebel powers as before mentioned, found it necessary before leaving the country to wait upon Clinton respecting his private affairs and his estate, which he was to leave behind in the power and at the will of the rebel Government. In the course of the conversation which naturally arose upon this interview, mention was made that Smith was going to New York. Clinton expressed, or pretended to express, a good deal of surprise, and said, "You astonish me! Smith going to New York! It can't be! You must certainly be mistaken!" But the fact being averred, Clinton replied, "Well, he may go, but he will not be suffered to land or reside within the British lines, his sentiments, his character, and principles are too well known there; they will as soon trust and suffer *me* to live in New York, as permit *him*." These were the sentiments of George Clinton, Esq., the then titular Governor of New York, who had received his education under the wing and patronage of Smith, and whose political

principles Clinton as well knew as he knew his own.

A gentleman of character, who was a prisoner in Connecticut in 1779, accidentally fell in company with the Rev. Mr. Kettletas, a presbyterian parson, who had left Long Island upon the landing of the King's troops in August, 1776, and retired with his family into that colony. The parson, after inquiring about his friends, his relatives, and his estate within the British lines, asked, "How does my brother-in-law, Billy Smith, manage among you in New York?" Being answered that he was in high favour, much caressed, and generally supposed would be made Chief Justice of the Colony, Kettletas replied, "I wonder you trust him! A man that can act with so much duplicity as he has done, ought to be trusted by neither side." A rank, old, presbyterian republican, as deep in the rebellion as possible, who was sitting in company said, "Do you really think so?" "Yes," answered Kettletas, "I not only think so, but *I know so*. I have been "governed by his advice, and by his advice I have been "ruined. Had it not been for him I should never have "taken the part I have done. He advised me in every "thing. By his advice I have lost my estate. By "his advice I am reduced almost to beggary, and my "poor wife, with my large family of children, in want of "the common necessities of life." The tears started from his eyes and the conversation ended.

Another circumstance must be now mentioned, which (if duly considered) will fully show in what kind of light the Governor, Senate, and Assembly, of the rebel State of New York considered this paragon of Loyalty after his banishment from amongst them.<sup>1</sup>

<sup>1</sup> By an Act of the New York Legislature the estate of every person banished

On the 22d of October, 1779, they passed an Act by which a number of his Majesty's Loyal subjects, living under the obedience and jurisdiction of, and owing their protection to, the King of Great Britain as their liege Lord and Sovereign, were attainted of high treason, for (as the Act expressed it) "*adhering to the enemies of the State.*" Their estates are confiscated to the use of the rebel government. And it is also therein declared that if any of the said attainted persons should thereafter be taken, or found within the State, they should be subject to, and suffer the pains and penalties of death without the benefit of Clergy. By this act General Clinton (then Commander-in-Chief in America), General Tryon (then Governor of the province under the Crown, a Major-General in his Majesty's service, and Commander-in-Chief of all the provincials raised in America in the royal cause during the rebellion), and Lord Dunmore<sup>1</sup> are declared traitors; as are George Duncan Ludlow, and Thomas Jones, Esq., two of the Judges of the Supreme Court,<sup>2</sup> and every member of

is subject to the payment of a double tax. Smith's estate was in this predicament. No sooner did a peace take place between Great Britain and America than this Act was repealed so far as related to him, and his brother Joshua Hett Smith, who betrayed Major André.

<sup>1</sup> A Scotch Nobleman of great connections. He had been Governor of New York, and when the rebellion broke out was Governor of Virginia. He was a warm Loyalist, and did every thing in his power to stop the stream of revolution in Virginia. His efforts had little effect. The popular delusion had taken place. When the British army arrived in the province of New York in 1776, his Lordship joined them with a few troops, about 500 refugees, and about as many blacks, who had in consequence of his proclamation promising Emancipation left their masters and joined the Earl's fleet of pillagers. It was entitled to no other name, as it sailed only from one harbour, one port, or one creek to another, robbed the poor defenceless inhabitants, irritated the people, and was rather an injury than a service to Great Britain.

<sup>2</sup> At this time Mr. Ludlow had taken no part in the controversies whatever, and Mr. Jones was a prisoner upon his parole. This they well knew. Yet these gentlemen were attainted, and their estates confiscated, while Whitehead Hicks, Esq.,

his Majesty's Council then living, to wit, Oliver De Lancey, John Watts, Roger Morris, William Axtell, Hugh Wallace, Henry White, and John Harris Cruger (William Smith and Charles Ward Apthorpe excepted). Mr. Apthorpe's name was omitted by mistake; but the very next grand jury, in virtue of a clause in the Act, took special care to prefer an indictment against him for high treason. *Smith they never noticed.* Pray what language does this speak? Had they looked upon him as an enemy, would he not have been attainted? Nay, common policy required that his friends should have taken this step for him, it would have saved appearances. The public would in such case (at least) have looked upon him as loyal in the estimation of his friends and numerous train of relations, at that time actually engaged in rebellion. Who did "*adhere*" to the enemies of the State more than William Smith? That is, if the account of his banishment, his refusal to take their oath, and his rather choosing to join the British army than reside among the rebels are facts; and who after his return to New York often sat, and acted, at the Council Board, as one of his Majesty's Council. Was not this what the act called "*an adherence*" to the enemies of the State? Was not all this well known to the rebels when they passed the Act? It most certainly was. But at the same time they knew that Smith was their friend, and if included in the Act, it might not be so easy afterwards to get a reversal of it as to him; his friends might be dead,

the other Judge, who had, at the request of Genl. Tryon, in 1777, made a tour through all Long Island to administer special oaths of allegiance to the inhabitants, and to the provincial corps then stationed at Oyster Bay, Huntington, and Seatauket, which the rebels well knew, was *not attainted*. He had friends in the Assembly, he was besides a presbyterian. Such was the partiality of the rebel Legislature of the State of New York.

out of power, or a hundred other accidents happen which was thought improper for their friend to run the risk of. How could this rebel Legislature with any kind of face attain Mrs. Morris, Mrs. Robinson, and Mrs. Inglis (the wives of Col. Roger Morris, Col. Beverly Robinson, and the revd. Mr. Inglis), married women under the immediate power and control of their husbands, for "*adhering*" to the enemies of the State, and yet this gentleman, who if acting as an officer under the Crown was an "*adherence*," no man was a greater "adherer" than himself? They went still further, as if determined to convince the world of their friendship for Smith, and of his great use to them in his then situation. They, as before mentioned, attainted or indicted every member of his Majesty's Council (himself excepted), and confiscated their estates, among whom was John Watts, Esq., who left New York in May, 1775, above 14 months prior to the Declaration of Independence, and at a time when Congress were acknowledging and declaring themselves, and all the Inhabitants within the *now* United States, to be the Loyal and faithful subjects of Great Britain. Surely his Majesty's subjects had a right of removing from one part of his Dominions and settling in another. Yet this the New York Legislature called an "*adherence*" (with respect to Mr. Watts) "*to the enemies of the State*," in consequence of which they attainted his person and confiscated his estate.<sup>1</sup> But

<sup>1</sup> Henry Cruger, Esq., a warm opposer of rebellion, left New York with Mr. Watts, and went to England in the same packet, and was also there when the act passed. Yet he was not considered as an "*adherer*" to the enemies of the State, nor was his person attainted or his estate confiscated. This has at least the appearance of partiality. A good reason may however be given for the indulgence allowed Mr. Cruger, he had a son in Parliament, and that son violent in the opposition to the American war.

Smith, who had abused and insulted them (if his friends are to be believed), had called them an unconstitutional rabble, a mob usurping the powers of government, who had chosen to return to New York and join the royal standard, rather than take an oath by them offered, and who when there had acted as one of his Majesty's Council, was not looked upon by this Assembly as an "*adherer*," nor the several facts before mentioned as overt acts of treason. His name was therefore never mentioned in the Act, nor was he ever indicted under that Act as a traitor to the State. Facts speak for themselves. These are facts, and stubborn ones too.


The rebel powers (no doubt) looked upon Smith as their real, true, and steady friend. They knew the motives which induced him to leave them and go to New York. They knew the purposes it was designed to serve, and they well knew that the whole of the proceedings against him before the Committee and Assembly previous to his leaving the rebel lines were so many blinds intended to deceive the Loyalists. Had not this been the case, I fancy his large real and personal estate within the rebel Government would scarcely have escaped confiscation. Yet this is the man whose Loyalty, patriotism, and political principles were thought so auspicious and favourable to the British Constitution and so friendly to Government as to induce the Ministry in 1780 to take him from the Bar, a practising attorney, and appoint him Chief Justice of New York with a salary of £500 sterling per ann., at a time when no law but Military and Police law existed, when not a Court of Justice under the jurisdiction of Britain was open, and when there was no more occasion for a Chief Justice than there was for a Bishop or a Pope. And this also in preference to



other Judges of known loyalty, and who had for many years faithfully served their King and country in their judicial capacities with honour and reputation to themselves and to the perfect satisfaction of the people.

James De Lancey, Esq., is also included in the Act of Attainder, and his estate thereby confiscated, though he left New York and went to England in April, 1775, where he has continued ever since. He was one of the members in General Assembly for the City of New York, is the eldest son of the late Lieutenant-Governor De Lancey, upon whose death he inherited by descent an amazing real estate within the very suburbs of the City, besides large tracts of land in almost every county in the province. Considering his estate, and the part he took in the Assembly in opposition to Congress, his attainder and the confiscation of his estate are easily accounted for. He served in the army in his younger days. He married Margaret, a daughter of William Allen, Esq., late Chief Justice of, and a gentleman of the first character, fortune, and reputation in, Pennsylvania.

The ancestor of the De Lancey family in New York who first came into the province was Etienne (in English Stephen) De Lancey, a protestant refugee, a native of Caen in Normandy. He quitted France upon the repeal of the Edict of Nantz, and went to Holland. He subsequently left Holland and went to England, and from thence came to New York in 1686. He was yet a young man. Soon after his arrival he married Anne, a daughter of Stephanus Van Cortlandt, by which he became connected with a family then the most opulent and extensive of any in the province. He soon became an eminent merchant, and by a successful trade amassed a very considerable fortune. He was



for many years one of the most distinguished members for his activity in the General Assembly. He died in 1741, at a very advanced age, worth at least £100,000 (though he brought not more than £300 sterling with him into the province), gained by his own industry, and that with credit, honour, and reputation. His character was never impeached. He was sober, diligent, remarkable for his hospitality, industrious, and extremely religious. He had, however, an aversion, if not a real hatred, to the Roman Catholics. No wonder! By his strict adherence to the protestant religion, they deprived him of a large paternal estate and the right of succession to a Peerage, to which he was next in remainder when the Edict of Nantz was repealed, and he of course obliged to abandon his native country. He left four sons, James, Stephen, Peter, and Oliver, and two daughters, Susannah and Anne.

Smith in his History of New York, in speaking of James, says, "This Gentleman being a youth of fine parts was called up to the Council Board in 1729, just after his return from the University." This was in Governor Montgomerie's time, who also appointed him one of the puisne Judges of the Supreme Court. Upon Montgomerie's death, which happened soon after, Col. Cosby succeeded to the Government, and was upon many occasions excessively ill treated by Lewis Morris, Esq., then Chief Justice of the province. The Colonel, being a man of spirit and resolution, with great connections, bred a soldier, and tenacious of his honour, displaced Morris, and appointed Mr. De Lanrey in his room. In 1753 he received a Commission appointing him Lieutenant-Governor of the Colony, dated in 1747, and kept back till then by Gov. Clinton.

Sir Danvers Osborne, who succeeded Clinton, dying three days after his arrival in his Government, Mr. De Lancey published his Commission and took the reins of Government in his own hands, and continued to hold them until September, 1755, when Sir Charles Hardy arrived and published his Commission as Governor. Mr. De Lancey now resumed his seat upon the bench as Chief Justice. In the Spring of 1757, Sir Charles, being previously appointed an Admiral, had the command of a fleet destined upon an expedition against Cape Breton. When he sailed from New York, the Government of course devolved upon Mr. De Lancey as Lieutenant-Governor, which he exercised until the 30th of July, 1760, when he died suddenly at the age of 57.

Stephen died unmarried shortly after his father. Peter married Elizabeth, a daughter of Dr. Cadwallader Colden (then of the Council and afterwards Lieutenant Governor of the province), and settled in the Borough of Westchester, which he represented for many years in General Assembly, and when tired of the fatigue he resigned his seat. His interest was so great that he got his second son, John, elected in his stead, though quite a youth. He died the 17th of October, 1770.

Oliver was for many years Colonel of the Militia for the City and County of New York. He married Phila, a daughter of Mr. Franks, an opulent merchant of Philadelphia. In 1758 he commanded the New York provincials, consisting of about 5000 men, upon the expedition against Canada under General Abercrombie, and was at the attempt made by that General to storm Ticonderoga. He served the whole of that campaign. He was for many years an active member in

the General Assembly. He served for the City. He was afterwards, by his Majesty's royal Mandamus, removed to the Council Board, where he continued until the commencement of the late American rebellion. He joined General Howe upon his arrival at Staten Island in June, 1776, and had that General profited by his honest advice, the American war, I will be bold to say, would have ended in a very different manner from what it did. At this time he raised a Brigade consisting of three Battalions of 500 men each, of which he was appointed Brigadier. Two of the Battalions served in Georgia and the Carolinas, from the time the British Army landed in Georgia until the final evacuation of Charleston, with the whole of South Carolina and Georgia (by order of the New Ministry, which took place in February, 1782), with honour, credit, reputation, and the utmost gallantry. One of these Battalions during the period aforesaid was commanded by Lieutenant-Colonel Stephen De Lancey, the other by Col. John Harris Cruger, the former the eldest son, the latter the son-in-law of the Brigadier-General. The third Battalion remained during the whole war within the British lines at New York, and were employed solely in protecting the wood-cutters upon Lloyds Neck, in Queens County, on Long Island. It was a material piece of business, and to do the Battalion justice, was well conducted. Prior to the evacuation of New York, which took place in November, 1783, the Brigadier went to England, and died at Beverly, in Yorkshire, the 27th Oct., 1785, and lies buried in the Cathedral Church in the City of Beverly.

Of the daughters, Susannah, the eldest, married the late Admiral Sir Peter Warren, by whom she had three daughters; the eldest married Lieut.-Gen. Charles Fitz-

roy, first Baron Southampton; the second, Col. William Skinner of the Army; and the youngest, Willoughby Bertie, fourth Earl of Abingdon. The second daughter, Anne, married John Watts, Esq., an eminent Merchant of New York, a gentleman of family, of character and reputation, opulent, and of a disposition remarkable for the most unbounded hospitality. He served many years as a representative for the City of New York, and more perhaps, afterwards, as one of his Majesty's Council. He was obliged to leave New York at the very commencement of the rebellion and go to England for safety. Notwithstanding which, he was, as has been already mentioned, proscribed by the rebel Legislature of New York, his person attainted, and his estate confiscated.

## CHAPTER VIII.

IT was in June, 1778, when the banished, the loyal, and the patriotic William Smith, Esq., after an absence of more than three years among his friends and relations in the rebel country, once more set his foot upon British ground by being landed at New York. About the same time the British Commissioners for restoring peace in America arrived in New York from Philadelphia. A former intimacy which had subsisted between Smith and Andrew Elliot, Esq., who was, before the war, Collector of the Port and Receiver General of the King's Quit rents within the province of New York, and at this time, by General Howe's appointment, Superintendent of the Police, and of all imports and exports in and out of the City of New York, was now revived. Their religion was the same, their politics nearly the same. Smith hired a house in the Bowery lane, and by that means became the near neighbour of Elliot, to whom he now paid great court, and by dint of artifice, hypocrisy, and adulation, wormed himself into the good graces of Elliot more than ever, which was no difficult matter for a man of art to do, Elliot being a good natured, inoffensive person, with a narrow capacity, small in-

telleet, and little disguise. The Commissioners consisted of the Earl of Carlisle, a Scotch Nobleman, Governor Johnstone, a gentleman of the same nation, and William Eden, Esq., an Englishman, who was married to a sister of Elliot. By this means an intimacy soon took place between the Commissioners and Elliot; and through his interest Smith was introduced to them as a most loyal subject, who had suffered great persecution in the rebel country, was banished for his loyalty, and was, in short, more capable of giving the Commissioners information of the real state of the rebels, and the disposition of the people without the British lines, than any man in the province. An intimacy of course soon took place. Smith was here, there, and everywhere; in all companies, at all times, and upon all occasions, with one or another of the Commissioners. The time was precious. It was not to be wasted. Smith made the most of it. He cajoled, he flattered, he fawned, he lied, and buzzed into the heads of the Commissioners a thousand things which never existed but in his own fertile imagination. He soon became the favourite, the confidant, the bosom friend of Eden.

The Commissioners, having stayed long enough in America to expend many thousands of the public money to no purpose; to be despised by the Loyalists, laughed at, abused, insulted, and ridiculed by Congress; published some useless declarations, issued some foolish, idle, trifling proclamations; attempted to bribe some of the leading members of Congress without effect; and being denied the liberty of seeing the country and conversing with the American patriots,<sup>1</sup>

<sup>1</sup> This appellation is given them by Governor Johnstone in one of his letters to a member of Congress.

which was as submissively asked as insultingly refused, returned to England.

In pursuance of a settled plan between General Robertson, Eden, Elliot, and Smith, the General obtained leave of absence and soon followed the Commissioners to England, where becoming a voluntary witness against Sir William Howe at the Bar of the House of Commons, and by there delivering a long idle testimony, filled with repugnancies, contradictions, and inconsistencies, Lord George Germaine took him by the hand and became his friend and patron. Robertson now insinuated things to the disadvantage, and propagated falsehoods to the prejudice, of General Tryon, then Governor of New York. He succeeded to the utmost of his wishes. Tryon was displaced, and Robertson appointed his successor. The business was not yet complete. The Commission of Lieutenant-Governor, and that of Chief Justice, were both vacant. Robertson and Eden applied to have them filled up. The request was complied with, and, upon their recommendation, Elliot got the former and Smith the latter. Nor did the Ministry at that time ever suspect they were doing an unpopular act. So far from it, they were made to believe that the influence of these gentlemen was so very great that one-half of the province would instantly come in, and the remainder in a short time lay down their arms, submit to his Majesty's Government return to the blessings of peace, and to the enjoyment of civil law, which Robertson was to re-establish upon his arrival at New York. This the Ministry were made to believe. This they undoubtedly *did* believe. The appointments in consequence thereof took place. The whole proved a mere deception. The



Ministry relied upon Robertson, and were most horribly imposed upon.

The characters of these gentlemen shall now be exhibited at full length, that the public may for themselves judge of the *propriety* of such appointments in such a province as New York, at the very critical time in which these appointments took place.

Robertson was born in Scotland. He served in the Army first as a private, then as a sergeant, and at Carthagen, in the West Indies, in 1740, he obtained an Ensigncy. Being a true Scot, assiduous, flattering, and submissive, he rose in the army by degrees. He came to America in 1756, as a Major in one of the Battalions of the Royal Americans then raising in that country. He was afterwards for many years Barrack Master there. This department was so well managed that in a few years, from a man of slender fortune, he became possessed of a very large estate. He had different methods of accumulating riches; among the rest, as Barrack Master, he used to receive Government half Joes to discharge the necessary bargains and contracts made in consequence of his office. The creditors being in his power, were obliged to take such money as he offered them; he therefore fell upon a method of clipping the half Joes and palming them (thus disburdened of their weight) upon his creditors, and applying the clippings to his own use. This fact was so well known in New York, that a light half Joe at length became proverbial, and went by the name of a "Robertson."<sup>1</sup> To such a height did this mis-

<sup>1</sup> Chastellux in his travels through America says: "An amazing quantity of Spanish and Portugal Gold was sent from England to America during the war." "These," adds he, "as well as English Guineas found their way, about the middle period of the war, in great abundance into the American part of the continent,

chief at length arise, and the light half Joes became so plenty, that the Chamber of Commerce was obliged to apply a remedy, by passing a resolve that no half Joe should pass within the City of New York for more than its real intrinsic value. This put an effectual stop to the fraudulent practice. Almost every person in the province was a loser, the old General excepted, who calmly pocketed the ill-gotten pelf without the least remorse or strain upon his conscience, though gained at the expense of the poor and the indigent, the widow and the orphan. This gentleman, when appointed Governor of New York, was so far from having any interest, popularity, or influence in the Colony, that he was universally despised and execrated by its inhabitants, and cursed for his speculation in almost every circle within the British lines. After his arrival and qualification as Governor, he so often broke and forfeited his word, his honour, and his promises, that the people lost all confidence in him. He treated the gentlemen and citizens of New York (a few favourites excepted) with all the haughtiness, superciliousness, and contempt natural to the pride of a rich and opulent Scot. The poor farmers who applied for redress against the arbitrary power of the Military he insulted and abused. That such an appointment should be made in times so critical as those at that period were, was most extraordinary. The province was then overrun with faction, sedition, treason, and rebellion. That such a man should be thought a proper person to reclaim the rebel, soothe the factious, con-

"where they circulated in a variety of mutilated forms. The moldores and six "and thirtieths had all holes punched in them, or were otherwise diminished at "New York before passing the lines. These were called," says he, "'Robertsons,' in the rebel country."

ciliate the affections of his Majesty's deluded subjects, and to favour and please the Loyalists, was still more extraordinary. He was at the time near eighty years of age, sickly, infirm, and paralytic; consequently a most improper person to govern a province at a time when every exertion of vigour, of activity, and spirit was required, wanted, and absolutely necessary. Besides his other infirmities, he was in an actual state of dotage; at least if running after little misses, if waddling about town with a couple of young tits about twelve years of age under each arm, if kneeling at the feet, and kissing the hands of what he called "the beautiful little Goddesses;" if sighing, languishing, and bending at the shrine of such misses, and lavishing away the City funds upon every well-dressed little female could be looked upon as instances of dotage, then General Robertson was most certainly in a perfect state of dotage. If a conduct like this is beneath the dignity, the honour, and character of a Governor, a General, and an old soldier, then Robertson upon taking possession of his Government daily acted a part beneath his dignity, and inconsistent with the conduct of a man of sense. He was the ridicule, the laughing-stock of the citizens. But if such qualities were proper, necessary, and requisite in a Governor and a General in America, in the most dangerous and perilous times, then the Ministry certainly made a most judicious choice in his appointment. But if such qualities were objections rather than stimulatives to such a promotion, then Robertson's was a most extraordinary one indeed, especially as, to make way for the appointment, General Tryon (who had served his sovereign as Governor of the province for many years, with honour to himself, with satisfaction to the people, and to the approbation

of his royal Master) was displaced without a single reason or a cause assigned. A gentleman of activity, whose honesty, honour, sincerity, and probity no man in the province ever suspected, whose word was as sacred and as binding as his obligation. He was beloved, esteemed, and almost adored by the people in the Colony. While Governor he heard all complaints with the utmost patience. His ears were always open, as well to the poor as to the rich ; he was easy of access ; he refused admittance to no man ; he was kind, charitable, humane, and benevolent ; had ever the good of his country at heart ; despised, abhorred, and abominated all kind of speculation ; he never did a mean act while Governor of the Colony ; he was universally looked upon as a brave soldier, an honest man, and a good Christian. Yet this gentleman, a gentleman of more estimation among the inhabitants than perhaps any Governor ever sent to rule the province, was superseded, without the shadow of a reason, to make way for an appointment the most unpopular, the most obnoxious, and the most disgusting of any one, perhaps, ever made in the Colony of New York.

Elliot was also a Scotchman, and was sent from that country to Philadelphia while a youth, and served a regular apprenticeship in the counting-house of a merchant, is a gentleman of great good nature, of trifling abilities, and of very little literary knowledge. His religion is that of the Scotch presbyterians. When out of his time he married a Scottish lady in Philadelphia and entered into business in the mercantile line. His wife dying not long after, he married again. His second wife had a large and independent fortune in Pennsylvania. Being thus possessed in right of his wife to an ample

and affluent estate, he left Philadelphia and returned to Great Britain, where (through the interest of his brother, the late Sir Gilbert Elliot) he obtained and enjoyed a place of honour and profit in the household of the late Princess Dowager of Wales. About the year 1773, he was appointed Collector of the Customs for the Port of New York, and Receiver General of his Majesty's Quit rents within the province. Upon this he left England with his family, and fixed his residence in the City of New York. From this period until the evacuation of New York in consequence of Mr. Oswald's most glorious peace, he confined himself to almost an actual residency within the limits of the city. He was scarcely known to a soul at the distance of twenty miles from it. His acquaintance principally consisted of a little circle of Scottish friends; he was kind, friendly, and hospitable to his countrymen and friends; was generous to the poor; was a gentleman born; and had a good heart. But being a stranger, and confining himself to small select companies of intimates, his influence in the province was extremely trifling, his popularity among the generality of the inhabitants none at all, consequently a most improper man for such an appointment at a time when the affairs of the Colony stood in so critical and dangerous a situation. He was by no means calculated to reclaim the disaffected, or conciliate the affections of his Majesty's deluded subjects.<sup>1</sup> Upon the rebel Declaration of In-

<sup>1</sup> In the summer of 1775 a party of republicans, at the head of which was Isaac Sears, with Alexander McDougal and John Smith, Esq., called upon him at his country seat about two miles out of town and demanded the key of the Custom-house and Receiver General's Office. He refused to deliver them himself, but told Sears where to find them. They were accordingly taken away, and the provincial Convention immediately possessed themselves of all the records and papers belonging to, and deposited in those offices. Whether there was any particular design or

dependence he retired with his family and effects into New Jersey. Upon the reduction of New York by the Royal Army he returned, and in the spring of 1777, General Howe by proclamation appointed him Superintendent of the Police within the British lines, and also of all imports and exports into and out of the port of New York. In 1779, upon the recommendation and interest of Robertson and Eden as before mentioned, he was made Lieutenant-Governor of New York, a Member of his Majesty's Council, and one of the Council to the Commissioners for Restoring Peace to the Colonies.<sup>1</sup> All of which commissions, honours, and places, with the amazing large salaries and emoluments, profits and advantages arising therefrom, he held until the evacuation of New York took place in November, 1783.

Smith's character, with the particulars of his birth, parentage, and education, having been already, and will be again so often mentioned, so fully explained, and particularly commented upon, that it is needless to give it again at large in this place. Let me only add, that it remains much the same as it did in 1753, except only, that after an experience of 30 years he has greatly improved in all that art, cunning, chicanery,

contrivance in this transaction I know not. People spoke differently of it at the time. I have mentioned the facts, the public are left to judge for themselves. One thing is rather remarkable. John Morin Scott, Esq., I suppose by mere accident, happened to pop in at the time, and by his advice Mr. Elliot in this matter was guided. Scott was one of the provincial Congress and a member of the City Committee.

<sup>1</sup> This was a New Board established through the interest of Robertson. He was at the head of it, Elliot next, and Smith 3d. It consisted of 12 members, they had nothing to do. It was well known at the time that Congress would not treat but upon certain conditions which Great Britain was then determined never to grant. Fighting was the only way to restore peace. The Commission continued in force for three years, and each Commissioner received 2 guineas a day besides rations of wood, &c. Thus went the cash of poor John Bull.

dissimulation, hypocrisy, and adulation, which he possessed in so eminent a degree while a youth ; and which ever was, and ever will be, the true characteristic of a person professing the religion of a New England dissenter, and the politics of an English republican.

Let us now leave politics for a while, and return to the Military operations in America. They have been already traced from the landing of the King's troops upon Long Island in August, 1776, to the conquest of New Jersey in the month of December following, and the cantonment of a large party of the royal army in that Colony. Washington, who was flying before General Howe, who did not attempt to pass the Delaware, stopped at Philadelphia. His army consisted of about 4,000 men. Getting intelligence that General Howe had returned to New York, that a body of Hessians were quartered at Trenton in a very disorderly manner, that they had no fortifications erected, and of the character of their Commander who was extremely fond of liquors and intoxicated the greatest part of his time, and the ill terms they stood upon with the inhabitants in consequence of their indiscriminate plunder and brutish behaviour, he ordered what continental troops could be spared from Virginia and Maryland to join him at Philadelphia, and formed a plan for surprising the Hessian troops in Trenton. Colonel Rahl, who commanded them, had some information of the design. He had it in different ways, from different people, but he gave it no credit, and of course took no steps to guard against it. In the night of the 1st of January, 1777, Washington with about 3,000 men, scarcely disciplined, passed the Delaware some miles above Trenton, and marched for that place ; upon re-

ceiving this news RahlI mustered his men, amounting to a number nearly equal to Washington's, well disciplined, and flushed with the conquests of the last campaign, and marched out to meet him. This being the depth of winter, the weather was intensely cold. Washington had no cannon, RahlI some very fine field-pieces. The two parties met early in the morning in a heavy snow storm. The wind was in the back of the rebels, in consequence, it was an advantage to them. The snow blew directly in the face of the Hessians; they were besides incumbered with plunder which they had picked up in the march. In a few minutes after the action commenced RahlI was mortally wounded. The Hessians became panic struck, hove down their arms, and surrendered themselves prisoners of war, with the loss of their colors, their baggage, and cannon. The prisoners were sent to Philadelphia, and treated with insult. They were paraded about the City as a spectacle to the people. The officers, though some of them field ones, and connected with some of the best families in Germany, were not exempt from this parade. Officers and privates all fared alike. This was rebel generosity, of which they made such a brag during the whole of the war. The colors were hung up in Carpenters Hall. The field-pieces being brass, were an acquisition to the rebel army. Washington after his victory entered Trenton in triumph. Here he exhibited an instance of virtue, of prudence, of generosity, and of policy. He possessed himself of all the Hessian plunder, to a very large amount, which he found in the quarters of the officers and in the barracks of the soldiers. He advertised for all persons to come in and prove their property in the stolen goods; and to all such as made out a title,



the effects were delivered. This act gained him the hearts of the people. It gave him an influence, a popularity, and a character in New Jersey of which he made the most proper use.

After the defeat of Rahl, and the capture of his party, Washington made forced marches, and in a day or two, after a few skirmishes on the road, arrived, and fixed his head quarters, at Morristown. In consequence of which, the British General, instead of following the rebel army, and driving them out of New Jersey, withdrew his own troops from Mount Holly, Maidenhead, Princeton, and other places, where they were cantoned, and fixed their quarters at New Brunswick and Amboy; thus giving up, and abandoning, the whole province to the rebels, (the two last mentioned towns excepted). There were not less than 5,000 troops in each of these towns, and a regiment lay at Woodbridge<sup>1</sup> to keep the communication open. Both Amboy and Brunswick lay upon the Raritan. Everything of course necessary for the garrison could be transported from New York by water. The troops in these towns were fairly cooped up by the rebels during the remainder of the winter.<sup>2</sup> Their numbers were sufficient to have driven Washington out of Jersey with the greatest ease. But orders were wanting. Cornwallis commanded at Brunswick,

<sup>1</sup> About half way between Brunswick and Amboy.

<sup>2</sup> Gordon says, by the time that the rebels got to Morristown, they were so excessively fatigued that a fresh and resolute body of 500 men might have demolished the whole. Numbers laid down in the woods and fell asleep without regarding the coldness of the weather. At this time the royal army in New Jersey consisted of at least 10,000 men, and as many more in New York. And this fatigued, worn out army of Washington, consisting of less than 4,000 men, at the time when they reached Morristown, was the only army that Congress then had, and yet no attempts were made to beat up their quarters, disperse them, and put an end to the rebellion.

Vaughn at Amboy, both generals of spirit. Nothing could be done without the directions of the Commander-in-Chief, who was diverting himself in New York, in feasting, gunning, banqueting, and in the arms of Mrs. Loring. Not a stick of wood, a spear of grass, or a kernel of corn, could the troops in New Jersey procure without fighting for it, unless sent from New York. Every foraging party was attacked in some way or another. The losses upon these occasions were nearly equal, they could be called nothing more than mere skirmishes, but hundreds of them happened in the course of the winter. The British, however, lost men who were not easily replaced. The rebel loss was soon repaired by drafts from the militia. It was of further service to the rebels; it taught them the art of war; it inured them to hardships, and it emboldened them to look a British or a Hessian soldier in the face, whose very phiz would make a hundred of them run, after the Battle of Brookland, and prior to the affair of Trenton.

When the news of the unlucky affair at Trenton arrived at New York, Erasmus Phillips, Esq., Captain of Grenadiers in the 45th Regiment, was there. He immediately set off to join his regiment in Jersey. He was attended by a servant only. As he passed through Princeton he was observed by three persons who were concealed in a house in that place. The house stood upon the road. The Captain was to pass the door. When he came directly opposite, the three assassins fired, and lodged three bullets in his body. He instantly fell from his horse dead. The servant escaped. One of the party who committed the murder, his name shall be mentioned, was a John Livingston, one of the sons of Robert R. Livingston, late one of the Judges

of the Supreme Court of the province of New York. This barbarian, in a public company at Middletown, in Connecticut, boasted of this horrid murder as an act of heroism, a noble achievement; and so little remorse had he for this cruel act in which he had taken a principal part, that he declared, "That Captain Phillips "made one of the handsomest corpses he had ever been held. We stripped him," says he, "of all his clothes "and left him naked in the street. I thought," added he, "that I should have been obliged to have cut his "head off, to get at his diamond stock buckle, but I "effected my purpose by breaking his neck, and turning his head topsy turvy." This he concluded with a broad laugh, taking off his own stock and saying, "Behold the buckle, it was worth the pains of breaking "a dead man's neck for." I make no observations upon this anecdote, but leave the unprejudiced part of the world to judge for themselves. The Americans ever boasted that they were never guilty of inhumanity during the war. What I have related in this matter, I aver as facts, can be proved by numbers; let the public judge whether a more barbarous, cruel, unchristianlike act was ever committed among civilized nations. But it was done by rebels. It was an act of rebellion, and done by people who bragged of their humanity. The Captain was in the power of these rebel partisans. They might have made him a prisoner, had they so pleased. But murder was their aim, his blood their desire. The Indian that conceals himself in the woods, kills an unarmed man unsuspecting of his danger, takes off his scalp, robs him of his clothes, and makes his escape, acts a part far less unworthy of his character than the part acted by these three Christian murderers.

It has been already mentioned that General Lee was surprised by Colonel Harcourt in New Jersey, carried to Trenton, and from thence sent to New York. It was industriously reported throughout the revolted Colonies from one end to the other, that he was treated with the utmost severity, received the most cruel usage, and was confined in a common prison. This report, scandalous, false, and infamous as it was, met with general belief in the rebel States. It was no wonder. The British General took no pains to convince the public to the contrary, though several British officers (then prisoners among the rebels) suffered severely from the report. General Lee was confined in the Council Chamber in the City Hall, one of the genteel public rooms in the City, square, compact, tight, and warm. A sentry, it is true, stood at his door. His firewood and candles were provided for him. He had directions to order a dinner every day from a public house, sufficient for six people, with what liquor he wanted, and of what kind he pleased. He had the privilege of asking any five friends he thought proper, to dine with him each day. This was all furnished at the expense of the nation. Hull, who kept the City Arms in New York, waited upon him by General Howe's orders, with a bill of fare every morning, and Lee ordered his own dinner, and his own liquors. It was cooked at Hull's, and always upon the table at the time appointed. His servant had free access to him at all times. Yet by way of retaliation (as it was pretended) Colonel Campbell (then a prisoner in the Massachusetts upon parole) was taken up, lodged in a dungeon, without a bed, allowed nothing but bread and water, denied the use of pen, ink, and paper, his servant refused admittance, and in this unhappy situa-

tion did he continue many months, while Lee was wallowing in luxury at the expense of the Crown. Yet these were the people, who upon every occasion boasted of their lenity and humanity to British prisoners, while they publicly and openly taxed the British army with acts of barbarity to such American prisoners as had the misfortune to fall into their hands.

Colonel Campbell, in his letter to General Howe upon this occasion, dated Concord jail, 14th February, 1777, expresses himself thus: "With respect to your treatment of General Lee, I can scarcely believe it similar to mine. I am lodged in a dungeon of twelve by thirteen feet square. The sides black with grease and litter of successive criminals. Two doors, with double locks and bolts, shut me from the yard, with an express prohibition to enter it either for health or the necessary calls of nature. Two small windows, strongly grated with iron, introduce a gloomy light to the apartment, without a pane of glass in either, though the season for snow and frost is actually in the extreme. In the corner of the cell, boxed up within a partition, stands a necessary house, which seems not to have been emptied since its first appropriation to this use for malefactors, a loathsome black hole, with a pair of fixed chairs in my inner apartment, from which a felon was the moment before removed to make room for me, and in which litter and excrement still remain. The attendance of a single servant is denied me, and every visit from a friend refused. In short, was a fire to take place in my chamber in the jail, which is all wood (the chimneys excepted), I might perish in the flames before the jailor could go through the ceremony of unbolting doors, especially as his house is at some dis-

“tance from the jail.” What a contrast between the usage of the two prisoners! Lee, living in genteel apartments, supplied at the expense of the nation with all the luxuries that New York could afford, had his friends to dine with him, his servant to attend him, a good bed to sleep upon, into which he tumbled jovially mellow every night (for to do him justice he loved good fellowship, a long set, a good dinner, and a convivial glass, when he could enjoy them at any other expense than his own). How different was the usage received by Colonel Campbell as described in his letter before mentioned. And yet the pious Yankees had the assurance to give out, it was by way of retaliation for Lee’s usage, which he was then receiving in New York. They knew better. They well knew Lee’s generous and hospitable treatment. It was rank barbarity, cursed cruelty, an usage that the most savage nations would have shuddered at. This was a transaction performed by a set of people who call themselves the holy, elect, and chosen ones of God, the children of the Lord. These very people were also, at this very time, publishing to the world accounts of their great humanity to British prisoners, and the barbarity of the British to theirs. Yet these accounts (false as they were) gained credit, and were believed throughout Europe, because they were publicly and positively asserted as facts, and to the shame of the British Commanders in America, were never contradicted, or at least in a public, authentic, and proper manner.

Early in 1777, a Captain Dunbar was taken up at Hartford, in Connecticut, for enlisting men in his Majesty’s service; his commission and orders from General Howe were in his pocket. He was confined in

prison. There happened to be no existing law in the Colony which made such an offence punishable with death. A law was therefore made on purpose ; upon which *ex post facto* law he was indicted and tried for treason, condemned, and ordered for execution. No less than four expresses, at four different times, were sent to General Howe between the condemnation and the execution, to each of which the most faithful promises were made, that an application of such a serious nature should be made to the Government of Connecticut as should insure his discharge. (There were about 400 rebel officers and 5,000 soldiers at this time prisoners within the British lines at New York.) No application was ever made, and while the General was lolling in the arms of his mistress, and sporting his cash at the faro bank, the poor unhappy Loyalist was executed. This is a fact, and the General knows it. His word, his honour, and his humanity, were all sported away in this affair. Dunbar had a young wife, big with child. On the day of execution the High Sheriff (by orders no doubt) compelled her to ride in the cart, and attend the execution of her husband. This over, she left Hartford, and went to Middletown, about sixteen miles down the river, where a number of Loyalists lived, and where several British subjects were living upon parole. Her case being stated, a subscription was undertaken for her comfort and relief. No sooner was this hospitable act known to the Committee at Middletown, than they sent for the poor woman, and ordered her out of town, declaring at the same time that if she should thereafter be found in that town, she should be sent instantly to jail.<sup>1</sup> The un-

<sup>1</sup> The Chairman of the Committee at this time was Titus Hosmer, Esq., a lawyer of note, one of the Council of the State, a rigid presbyterian, a zealous republi-

happy wretch was obliged to leave the town in consequence of this inhuman order, and had it not been for the hospitality of a worthy loyal family, who kindly took her under their roof, she would in all probability have been delivered in the open fields. A striking instance this of *American lenity*, which the rebels during the war proclaimed to the world with so much éclat.

In the month of March, 1777, Colonel Bird, with a detachment of the British army, went up the Hudson, and at Peekskill, in the County of Westchester, destroyed all the rebel magazines, barracks, and store-houses erected at that place, with an amazing quantity of provisions, military stores, clothing and accoutrements, of almost every kind; demolished their fortifications, and returned to New York without the loss of a man.


This month was remarkable for the investiture of General Howe with the order of the Bath; a reward for *evacuating* Boston, for *lying indolent* upon Staten Island for near two months, for *suffering* the whole rebel army to escape him upon Long Island, and *again* at the White Plains; for *not putting an end to rebellion* in 1776, when so often in his power; for making such *injudicious cantonments* of his troops in Jersey as he did, and for *suffering* 10,000 veterans under experienced generals, to be cooped up in Brunswick, and Amboy, for nearly six months, by about 6,000 militia, under the command of an inexperienced general.

In April, 1777, General Tryon with 2,000 men went up the Sound, landed at Compo, near Norwalk, in Connecticut, and immediately marched for Danbury,

can, and a flaming rebel. He was afterwards a delegate in Congress, and commissioned by them as Judge of the Admiralty for the four New England Colonies.



(distant about 30 miles) where the rebels had laid in large magazines of provisions, forage, clothes, salt, rum, sugar, &c. The General arrived at the place of destruction without the least interruption. He destroyed all the magazines, and burnt all the store-houses. This done he began his march back. The completion of the business required some time. The country was alarmed. The militia assembled under Arnold, Sullivan, Wooster, and Silliman. Several skirmishes took place between the parties as the British were retreating towards their ships; but Tryon, with some little loss, made his way good, arrived at Compo, and re-embarked his troops without opposition (the rebels looking on at a distance), immediately sailed, and arrived at New York in a few days. In these skirmishes the rebel militia suffered considerably. General Arnold had his horse shot under him, and while a British grenadier was almost in the very act of plunging a bayonet into him, he drew a pistol, shot the grenadier through the head, and made his escape. Four rebel Colonels, three Majors, and two Captains of the militia fell in these different skirmishes. General Wooster was mortally wounded, and died at Danbury a few days after. This gentleman was a native of Connecticut, had his education at Yale College in that Colony. He afterwards followed the seas, and for some years commanded the Connecticut Guarda Costa. In 1745, he raised a company, and served in Colonel Walcot's regiment of Connecticut men, upon the expedition against Cape Breton under General Pepperell. During the whole course of the siege, which was long and attended with many difficulties, he was remarked for his bravery, his courage, and his intrepidity. Upon the reduction of the place two new regiments were raised



and established. One of them was given to Governor Shirley of the Massachusetts, and the other to General Pepperell, who was also created a Baronet of Great Britain. In Pepperell's, Wooster had a company. Upon the conclusion of the peace at the treaty of Aix-la-Chapelle in 1748, the regiments were both reduced. He now retired to New Haven in Connecticut, and lived upon his half-pay, and some little fortune of his own. When the war in 1755 broke out, Shirley's and Pepperell's regiments were put into commission and ordered to be completed. In the latter Wooster had a Captain's commission. He soon after sold his company, and entered into the provincial service as Colonel of one of the Connecticut regiments. In this station he served till the conquest of Canada in 1760. He now retired to New Haven and entered into a mercantile course of life. When the rebellion broke out he took an active part in favour of America. In June, 1775, he commanded two New England regiments in New York, ordered there by Congress to restrain and overawe the loyalists. He acted with prudence, kept his troops in order, and gave little offence. In the July following, he was ordered to the east end of Long Island, to prevent foraging parties in that quarter from Boston. In the October following he was ordered into Canada, with several New England regiments, to assist Montgomery in the conquest of that Colony. He continued there until 1776, when the rebels were compelled to abandon that province. He was afterwards in different quarters, upon different commands, until the month of April, 1777, when he lost his life fighting in a bad cause ; a cause evidently undertaken to establish independency in the Colonies, to subvert the Constitution, and to dismember the Empire. He

was between 70 and 80 years of age at the time of his death, and though he had accustomed himself during the greatest part of his life to swallow daily large potations of flip,<sup>1</sup> he was a healthy, hearty, strong, man to the last.<sup>2</sup>

In the spring of 1777, a foraging party were at Sag Harbor, at the east end of Long Island, guarded by a company of De Lancey's provincials, consisting of about 70 men; the transports to carry the forage to New York being small vessels employed for that purpose, were under the protection of an armed schooner of 12 guns and about 40 men. Information of the situation and strength of this party being given to the rebel powers in Connecticut by some of the disaffected upon Long Island, a Colonel Meigs of that Colony, with about 400 men, embarked in a number of whale-boats, in the evening, at a place called Guilford, crossed the Sound, and about 2 o'clock the next morning landed at a small distance from Sag Harbor, marched immediately to the place, and made the whole party prisoners before they were aware of their danger. He destroyed all the forage that was collected, and burnt all the transports. The schooner was not attempted. He brought off the detachment with the Commissaries, and returned to Guilford by 12 o'clock

<sup>1</sup> A mixture of New England rum, pumpkin beer, and brown sugar. In winter this liquor is made warm by putting a red-hot poker into it. Every public-house in Connecticut has in the winter season one of these pokers (known among them by the name of loggerheads) always in the fire, ready upon the arrival of travellers or the arriving in of company. It is far from being disagreeable liquor, and is universally drank in Connecticut.

<sup>2</sup> A gentleman who was at Albany in 1775, when Wooster was upon his march to Canada, was asked by the High Sheriff one evening whether he had an inclination to see a curiosity? He asked, what? The Sheriff answered, "I am just come from the jail, and there is General Wooster, my turnkey, and the 'butcher's boy in the tap-room drinking flip together." Such company one would think even beneath the dignity of a Yankee General.

the next day. This is what the British during the war called an *alert*. Meigs did wonders as to expedition. The whole was performed in less than 18 hours, though the distance in going and returning was nearly 100 miles. This Meigs was a native of Connecticut, of a reputable family, and large connections. A few years before the war, he had been detected in New York in passing counterfeit paper money in imitation of the lawful money of that colony, knowing the same to be counterfeit. This crime, by the laws of New York, was felony without the benefit of clergy. For this he was apprehended, imprisoned, indicted, tried, convicted, sentenced to be hanged, and a day fixed for his execution. But upon a joint application from the Governor, the Council and General Assembly of Connecticut, to the Governor of New York in behalf of the prisoner, he was by the latter, with the advice of his Majesty's Council, pardoned and discharged. When the disturbances began in America he obtained a commission in the Connecticut troops, and was with the army before Boston in 1775. When Arnold undertook to march from thence by the way of the Kennebeck across the country, and assist Montgomery in the siege of Quebec, Meigs turned out as a volunteer, and upon this occasion obtained a majority. When Montgomery attempted to storm the garrison, Meigs was of the party. Upon the fall of Montgomery and the defeat of his party, Meigs was among a number of other rebels taken prisoner. The prisoners were detained in Quebec during the winter and civilly treated. They had rations equally with the King's troops. Such of the privates as were in want of clothes were by the humanity of General Carleton supplied with every necessary. The officers had the liberty of the

town upon parole. The common men were confined in comfortable commodious places. The officers had the liberty of visiting the men whenever they pleased. While thus enjoying all the comforts that prisoners could wish or desire, they entered into a conspiracy (of which Meigs was at the head) to seize the garrison. The night and hour was fixed upon, and the rebels forming the blockade had notice of it. They were to attack the town without, and while the garrison should, upon the alarm, repair to their several places of duty, Meigs and the other prisoners were to make an attack within. Of this conspiracy the Government got timely notice. The officers were of course taken up, and with the men, closely confined during the winter. In July, 1776, General Carleton sent the whole of them by water to the several provinces to which they respectively belonged, first taking their paroles not to take up arms against Great Britain until exchanged. Under this parole was Meigs when he performed his Sag Harbor expedition. This Congress knew, yet, so far from disapproving of such a breach of honour, of faith, and veracity, they not only voted him the thanks of their body, which were transmitted in a letter signed by their President, but presented him with a silver-hilted sword of considerable value. Whether General Howe ever complained to Congress of this flagrant violation of public faith I know not. But this I know, if he did, he got no satisfaction. Congress approved the act and rewarded the man.

In July, 1777, General Parsons, with 1,000 men and several pieces of cannon, passed from Fairfield in Connecticut to Long Island, and laid siege to a small Fort at Brookhaven, in Suffolk County, garrisoned by about 300 men of De Lancey's brigade, under the

command of Richard Hewlett, Esq., of Hempstead in Queens County, Lieutenant Colonel of the 3d Battalion of that Brigade; a bold, spirited, resolute, intrepid man. He had served as an officer in the New York provincials the preceding war, with honour, credit, and applause. Parsons took possession of some high ground at no great distance from the fort, and having mounted his cannon, he sent a summons to the garrison requiring its immediate surrender, in which case he promised honourable terms, but in case of refusal a storm should be the consequence, in which if attended with success, no quarter was to be expected. To this summons Hewlett replied, that though his garrison was not large, he had men enough to man all his works; that he had provisions and stores sufficient to stand a longer siege than the enemy could possibly carry on by regular approaches, with any probability of success, before relief could be had; as to the threats of a storm, he minded them not, his garrison consisted of loyal subjects who were determined to spend the last drop of their blood in the cause of their Sovereign rather than submit to a rebel banditti commanded by a shoemaker. This answer irritated the General. He began his cannonade. It was as warmly returned by the fort. The cannonade continued about 12 hours on each side, when the rebel General, after sustaining a considerable loss, drew off, embarked, and returned to Connecticut. Hewlett's garrison was so small, and the rebels so numerous, that a pursuit would have been a piece of madness. It was therefore declined. In this expedition the rebels lost about thirty men, the garrison one. General Parsons some years before the war pursued the honorable trade of a shoemaker, to which he served a

regular apprenticeship. He afterwards commenced a pettyfogging attorney, and practised in the Courts of the Justices of the Peace. Upon the breaking out of the war he entered into the service of the States, and was very soon made a General of militia, in which station he acted during the whole of the rebellion. He was esteemed by the rebels as a bold, resolute, enterprising soldier, and by British prisoners as a man of the most humane, generous, and benevolent disposition, by whom they were always treated with politeness, civility, and humanity. I saw him at Hartford in 1780. He was a plain, mean-looking old man, had more the appearance of his original occupation than that of a soldier ; he had long hair which hung about his ears, a brown homespun coat, buckskin breeches, a red laced waistcoat, blue yarn stockings, a pair of shoes that I fancy were made by himself, and an amazing, long, silver-hilted sword.

## CHAPTER IX.

IN November, 1777, a parcel of rebels in the dead of night passed the North river from the Jersey shore, landed at Bloomingdale, the seat of General De Lancey, about seven miles from the city of New York, surprised, and made prisoners, a guard at the landing place, broke into the house, and plundered it, abused and insulted the General's lady in a most infamous manner, struck Miss Charlotte De Lancey, a young lady of about sixteen, several times with a musket, set fire to the house, and one of the wretches attempted to wrap up Miss Elizabeth Floyd (an intimate acquaintance of Miss De Lancey's, about the same age, and a daughter of Colonel Richard Floyd, of Suffolk County, upon Long Island, who had the command of the militia of that County during the war by virtue of a commission from the Crown, in consequence of which he has been attainted, his estate confiscated, and now lives in Nova Scotia),<sup>1</sup> in a sheet all in flames, and as she ran down the stairs to avoid the fire the brute threw it after her. One of the party below, of more humanity

<sup>1</sup> In consequence of this transaction Miss De Lancey was rewarded by Government with a pension of £200 per annum. Miss Floyd was an equal sufferer. Her father served the whole war as Commandant of two Battalions of Militia, without



than the rest, advised the young ladies to make their escape. Mrs. De Lancey had before this concealed herself under the stoop, where she continued until the rebels left the house and recrossed the river. Miss De Lancey and Miss Floyd made their flight through several fields, until they reached a swamp, into which they entered, and there continued until eight o'clock the next morning, up to their knees in mud and water, without either shoes or stockings, and nothing upon them except such thin clothes as ladies use to sleep in, when they were discovered, and carried to the house of Charles Ward Apthorpe, Esq., a gentleman who lived in the neighbourhood, and an intimate acquaintance of General De Lancey. The lady of Colonel John Harris Cruger, the General's eldest daughter, who was also in the house, made her escape in the same situation, and endeavoured to reach a British encampment about two miles off, in order to alarm the troops; but in her confusion, fright, and terror, and through the darkness of the night, she missed her way. After wandering about in different directions, she found herself in the morning near a farm house, at least seven miles from her father's. She was taken in, and treated with the utmost hospitality by the family.<sup>1</sup> This was done in the middle of the night in the month of November, when the weather is very cold in this part of America. Miss De Lancey took with her in her flight,

pay or even rations. General De Lancey commanded for the same time, a Brigade of 1,500 men, was Colonel of one of the Battalions, had full pay as such, quarters, and rations of every kind, at the expense of the Crown; his wife had a pension of £300 per annum. Miss Floyd was again robbed at her Uncle's house at Fort Neck upon Long Island, in November, 1779, of everything she had. Great Britain gave her £25 a year, a striking instance this of "*impartiality!*"

<sup>1</sup> One Nicholas Staker, a German butcher, who at this time kept the Dove, an Inn about 7 miles from New York, upon the Kingsbridge road.

her brother's<sup>1</sup> child, an infant in the arms, and held it safely in her lap the whole time. Miss Floyd's feet and legs were so torn and lacerated by the briers, brambles, and hedges that she passed, as to render her unable to walk for three weeks. This anecdote should not have been produced, had not the rebels during the whole of the war represented the British as the most inhuman, barbarous set of butchers that the world ever produced, and themselves as the most humane, kind, and generous enemies upon the globe. I defy them to produce such an act of inhumanity committed by the British during all the war. The house was totally destroyed, with all its effects, which they could not carry away. The unfortunate murder of the unhappy Miss McCrea, of which the rebels made such heavy complaints, did not, in point of barbarity, exceed the inhumanity of this cruel transaction.

In June, 1777, General Howe took the field. He collected together his troops and entered New Jersey at Amboy; leaving a small garrison there he marched to New Brunswick, upon the main road to Philadelphia, and about 70 miles from that city; his waggons, horses, baggage, forage, artillery, and bridge of boats, were all with him. His army now consisted of nearly 30,000 Infantry and two regiments of Light Horse. The rebel army consisted of about 10,000 men, without any cavalry whatever. They were intrenched upon some high ground at a place called Middlebrook, about 12 miles from Brunswick. General Howe marched with his army, and took his station in front of the rebel lines, and his confidential engineer, Major Montrossor, was sent out to reconnoitre them, who reported that

<sup>1</sup> Lt.-Col. Stephen De Lancey, eldest son of the General, after the war Governor of Tobago, and Chief Justice of the Bahamas.

*they were by no means to be forced.*<sup>1</sup> The General then sent for an inhabitant in the neighbourhood, and inquired of him the situation of the ground, who told the General that he could conduct him round the hills with great safety, and bring him to a place unfortified, where he might easily penetrate into the rebel encampment, but this information was neglected. The General, after two days' stay, struck his tents, but instead of attacking the rebels (as they themselves expected, and who were prepared for a submission<sup>2</sup> which would have terminated the war), he marched back to Brunswick, which he abandoned the next day, leaving the loyal inhabitants to the mercy of the rebels, and proceeded back to Amboy. His rear was all the way insulted by a few light troops of the rebel army. Washington, with the main body, followed slowly on at the distance of a few miles from the British rear. At Amboy the British army encamped. Washington did the same at the distance of about six miles. General Howe divided his army into two columns, and in the night left Amboy with intent of surrounding the rebel army, hemming them in, and making them all prisoners,

<sup>1</sup> This gentleman swore, in his examination before the House of Commons, the same with respect to the rebel lines at Brookland upon Long Island.

<sup>2</sup> This I had from James Parker, Esq., then one of his Majesty's Council for that province, and a prisoner at that time in the rebel camp. He further added, "that had the British Army, as they had the command of all the low country about Middlebrook, continued there for ten days, the rebels must have surrendered for want of provisions." One can scarcely suppose the British General ignorant of this circumstance, as deserters were daily coming in to him. The rebel army at this time consisted but of 7,271 men (Gordon 469, who had it from Washington's returns), including those under General Sullivan, (who lay at a small distance from him), with mattresses and 180 cavalry. On the 12th of June Washington wrote, "A Council of General Officers all agreed that our present army was insufficient to make a proper resistance, or to attack Howe's united force, or to make an impression upon him, should he leave us unmolested and march through the flat country towards the Delaware."

but of this the rebels had soon intelligence of which they availed themselves, and marched back to their former encampment upon the heights of Middlebrook. The General returned to Amboy, and passed his whole army over to Staten Island, and gave orders for an embarkation on board a number of men-of-war, armed vessels, and transports, under the command of his brother Lord Howe. He then returned to New York, and after spending about a fortnight in dalliance with Mrs. Loring, while the troops were lying on board the transports crowded together in the sultry heat of summer, he went on board his brother's ship, and orders were given for sailing.

The following letters, will show what opinion the rebels entertained of Sir William Howe's abilities as Commander in Chief in America. After he had abandoned New Jersey, and with his army safe upon Staten Island, Colonel Hamilton, one of Washington's aids-de-camp, in a letter to William Livingston, Esq., the then titular Governor of New Jersey, writes thus: "The Enemy are meditating some water expedition, where they are going is not known, they can have no business to the southward. If they understand their own interest they will remain where they are, draw their whole force to a single point, and make a bold effort against our main army. If they can defeat that, there is no knowing what will follow. If they do not, all they can do will be in vain." Livingston in answer says, "whether the enemy are going to the southward is (in my opinion) very doubtful. Should they return suddenly, and possess themselves of the North River, General Burgoyne will have very little to do." These letters were found in a rebel tent at Brandywine after the defeat of Washington at that

place. Major Du Portail, a French gentleman in the American service, in a letter to a friend of his in France says, "The success of the Americans is not owing to their strength or bravery, but to the astonishing conduct of the British forces, to the *lenteur* and *timidité* of the British General." The very expression in Du Portail's letter. He was bred a soldier, and had served under some of the greatest generals in Europe. This letter was found on board a vessel bound from Philadelphia to France, but taken and carried into Glasgow. It is dated in 1777. Thus did the very rebels speak of, and ridicule, the conduct of General Howe during his command in America.

On the 23d of July, 1777, the fleet, consisting of at least 400 sail, with 30,000 veteran troops on board, sailed from Sandy Hook,<sup>1</sup> and after a passage of more than four weeks, arrived at the head of the Elk, the uppermost part of the Chesapeake Bay. On the 25th of August the army was landed without the least interruption or molestation whatever. The General was now further from Philadelphia, (the principal object of

<sup>1</sup> Upon this Washington marched his army towards Philadelphia, and halted at Corriel's ferry, Howell's ferry, and Trenton. He wrote from Corriel's ferry on the 30th, "Howe's (in a manner) abandoning Burgoyne is so unaccountable a matter, until I am fully assured it is so, I cannot help casting my eyes continually behind me." Washington was greatly perplexed to know what General Howe intended. On the 31st he wrote, "that the Enemy's fleet arrived at the Capes of Delaware yesterday." From Chester, Aug. 1st, "The Enemy's fleet left the Capes yesterday, and steered Eastward. I shall return with the utmost expedition to the North river; a sudden stroke is certainly intended by this manœuvre. Call in every man of the militia to strengthen the Highland posts. General Howe has been practising a deep feint to draw our whole force to this point. Countermand your division and proceed with all expedition to Peekskill. The conduct of the enemy is difficult and distressing to be understood."—2d Gordon, 492. Again, vol. 3d, 76, "had General Howe, instead of going by sea to Philadelphia sent his whole force up the Hudson as General Washington strongly suspected he would do, the Independency of the United States must have tottered to the very foundation, if not have been completely subverted."

the expedition) than he was when he had his whole army assembled at Brunswick, in New Jersey, the preceding June. The General upon landing, issued a proclamation promising protection to the persons and property of all such persons as should remain peaceably and quietly at home upon their own plantations, and not take up arms in favour of, or give any other assistance to, the rebel army. So little attention was paid to this proclamation, in which the faith of the nation was pledged to the peaceable inhabitants for their safety and protection, that in a very few days thereafter, encouragement was given by the General's orders for the soldiers to bring in all the cattle and horses they could lay their hands upon, promising to pay a guinea a head for each horse, a dollar for horned cattle, and a crown for a fat sheep, in consequence of which, an indiscriminate plunder took place without distinction of whigs or tories, and not only of cattle, horses, and sheep, but everything else that fell in the way of the plunderers. After the General had recruited his army for several days, he began his march for Philadelphia. The rebels met him upon the road, and a general action took place at the Brandywine. The rebel army was totally defeated, completely routed, broken in every part, and put to flight, nor did they ever rally till they reached Chester. They lost a number of men, with large quantities of stores and baggage, and all their cannon. According to custom no pursuit was made. The General halted after this action for a day or two, before he proceeded on for Philadelphia. Washington, having collected together his broken troops, and ordered others from Philadelphia and New Jersey to join him, retired as the British advanced. The Congress, and all those engaged in the

cause fled from the city. The whole province was in a state of confusion, disorder, and distraction. On the 26th of September, Sir William Howe entered the defenceless City of Philadelphia, in great military triumph, at the head of his army. Washington proceeded to White Marsh, about 12 miles from the city, encamped and entrenched.

General Howe on his march to Philadelphia, received intelligence that General Wayne lay with 1,500 men, and some pieces of cannon, in a wood about three miles distant, and in the rear of the left wing of the British army. General Grey was ordered with a detachment to surprise this corps, which he did effectually. He ordered the flints out of his men's guns, and made his attack in the night with the bayonets only; 300 were killed upon the spot; he took 100 prisoners, the greatest part of their arms, and a number of waggons loaded with stores and baggage. Wayne, with the remainder of his corps, saved themselves by a precipitate flight. This the rebels complained of as an act of barbarity, and Grey was ever after known among the rebels by the name of "No Flint Grey."

Sir William Howe having marched from the head of the Elk, the Admiral with the men-of-war and transports sailed down the Chesapeake, put to sea, sailed to, entered, and proceeded up the Delaware within a small distance from Mud Island, which lay within the river, was strongly fortified, and well manned. Before the men-of-war and transports could get up to Philadelphia it was necessary to reduce this island. Steps were taken accordingly on the Jersey side of the Delaware. At no great distance from the Island stood an eminence called Red Bank. It was in possession of a regiment of Highlanders. The necessity of fortify-

ing this bank in order to facilitate the reduction of Mud Island was visible to the whole army. It was mentioned to the General, but without effect. The Highlanders were ordered up to Philadelphia, and the bank abandoned. No sooner was this done, than a large party of rebels from New Jersey took possession of it, and in a few days cast up and completed such works as made it amazingly strong. Count Donop, with a large detachment from the army, was ordered to reduce it. He attempted a storm, but without success. The enterprise was abandoned after the loss of the Count, several officers, and at least 800 men either killed or wounded. From Red Bank, Mud Island was constantly supplied with fresh men, which from its own strength, and the situation of the river, made its reduction a work of time. The General therefore sent to New York, and ordered 4,000 men from thence. This happened at a very critical time, and was productive of the worst of consequences, as shall be hereafter fully and particularly mentioned. The 4,000 men from New York were landed, upon their arrival, on the Jersey shore, and being joined from the opposite shore with a detachment under Lord Cornwallis, marched to attack the bank; upon their approach the rebels evacuated the works, leaving their cannon, stores and baggage behind them and retired to Mount Holly. The British took possession, and Mud Island soon after surrendered and the fleet proceeded to Philadelphia. We lost in the attack on Mud Island, the Augusta of 60 guns, and the Merlin Sloop of 16, which were burnt with all their stores on board, besides a great number of men killed and wounded, exclusive of those in Count Donop's unfortunate attack upon Red Bank. Had this bank been fortified, and not aban-



done, when in the possession of the British, nothing of this would have happened, neither would there have been any necessity of drawing the 4,000 men from New York.

In the month of October Washington's army having received considerable reinforcements, and the British divided, a part lying at Germantown, and a part at Philadelphia, about three miles distant from each other, Washington projected a scheme to surprise that part which lay at Germantown, and if successful to pursue the fugitives into Philadelphia, and destroy the royal army at a stroke. Such an enterprise required secrecy, and the utmost caution was taken to keep it so. But the whole scheme was discovered to a Loyalist, and a lad was despatched with the information to Sir William. He was an intelligent boy, and gave the General a very particular account as to the number of men, the cannon, the road they were to take, the night, and time of night, in which the attack would be made. Whether the General discredited the information or not, is uncertain. But true it is (though he once mentioned it en passant to Sir George Osborne) he gave himself so little concern about the matter, that he never thought proper to let the commanding officer at Germantown know that he was in possession of such information. The intelligence, however, proved true, and at the precise time the attack was made. The surprise was complete, the British were thrown into disorder, fled in confusion, and were rapidly pursued by the rebel troops. Luckily for Great Britain, Colonel Musgrove, with seven companies, took possession of a strong stone house belonging to a Mr. Chew. Unluckily for the rebels, instead of pursuing the flying army, they stopped and attacked the house, which

being strong, built of stone, and gallantly defended though attacked with cannon, they made little impression upon it. This gave the British time to rally, to recover their panic, and dispatch an express to Philadelphia. Being soon after joined by that part of the army which lay in Philadelphia, they returned to the charge, attacked the rebels in turn, drove them out of the town, and put them to flight. The enemy saved all their cannon. According to custom no pursuit took place to any effect. The rebels had in this action about 250 killed, 600 wounded and 400 taken prisoners. Among the former was a General Nash with some other officers. Among the latter were no less than 54 officers. The loss of the British was considerable, perhaps nearly, if not equally great with that of the rebels in killed and wounded, though nothing like it as to the number of prisoners. The misfortune of the rebels proceeded solely from their stopping to attack Chew's house. Had they passed the house, pursued their success, and followed the broken corps into Philadelphia, the whole army would probably have been destroyed or captured, and Sir William been a prisoner to rebels before he knew there was an enemy in his neighbourhood. General Howe, upon the first alarm, was waked out of a sound sleep, having just returned from the faro table, not having been in bed above an hour. However, he behaved with great presence of mind, with his usual intrepidity, met with his usual success, and pursued according to custom.

Washington having returned to his intrenched camp at Whitemarsh, after the action at Germantown in the beginning of December, General Howe left Philadelphia and proceeded to that place, in hopes of bringing the enemy to battle, as they had then lately re-

ceived a reinforcement of nearly 4,000 men, or if possible, to attack some vulnerable part of their encampment. He viewed the front of the enemy's right, marched to the centre and took another view, from thence to the left and had a peep there. Some little skirmishing happened in which a few were killed on both sides, a few wounded, and a few taken prisoners. Sir William found the rebel encampment (as he conceived) invulnerable, and the weather being extremely cold, he marched back to Philadelphia and put his army into winter quarters; and with this latter manœuvre ended the campaign of 1777 in the province of Pennsylvania. Shortly after which Washington broke up his camp at Whitemarsh and took up his winter quarters at Valley Forge, about 16 miles from Philadelphia, by hutting his men, and strongly fortifying them by entrenchments, redoubts, batteries, and abatis. His army at this time consisted of about 8,000 men, all infantry.<sup>1</sup>

Monsieur Du Portail, a French officer in the American service, in a letter to the Compté De St. Germain, Secretary of State for the war department in France, dated at Whitemarsh, 12th November, 1777, says, "To make short of the matter, it is not the good con-

<sup>1</sup> The situation of the American army was such, that for want of shoes and stockings, and the hard frozen ground, you might have tracked the army from Whitemarsh to Valley Forge by the blood of their feet. This account, Gordon says, he had from General Washington himself, when at his table June 3d, 1784. Gordon also says, that Washington in a letter of the 23d December, 1777, writes, "that he was informed by the Commissary of an alarming truth, and a melancholy one, (to wit) that he had not a single hoof of any kind to slaughter, and not more than 25 barrels of flour," and then adds, "nor can I tell when to expect any." He further says, "We have by a field return this day no less than 2,898 men in camp unfit for duty, because they are barefoot, and otherwise naked." On the 16th of February, 1778, Washington writes "that for some days past there had been little less than a famine in camp; this is the second time in the present year that we have been upon the verge of a dissolution for want of provisions."

“duct of the Americans, that enabled them to make a campaign sufficiently fortunate, it is the fault of the English.” Again, “If the English instead of making so many diversions (which have been all too much at the expense of the principal action) had opposed General Washington with 20,000 men, I do not well know what would have become of us.” In speaking of the battle at Brandywine, he says, “If the English had followed their advantage that day, Washington’s army would have been spoken of no more; since that time also, General Howe has in all his operations exhibited such slowness and timidity as to strike me with astonishment. An active, enterprising General, with 30,000 men, must reduce this country.” Sir William had during his command from August, 1776, until his recall in 1778, never less than 40,000 men, yet nothing to the purpose was done. Du Portail says that 30,000 was sufficient, but slowness and delay marked all Sir William’s operations. A witty writer in an English paper at the close of the campaign in Pennsylvania in 1777, proposed to have General Howe raised to the Peerage for his eminent services performed in America, by the title of, *Baron Delay Warr*.

In September, 1777, General Clinton, then commander at New York, conceiving it, (as he expresses it in his letter to General Howe) a critical time for both the Northern and the Southern army to make a diversion in favor of them both, projected an expedition into New Jersey. The army was landed in the night, at three different places, and formed a junction according to the settled plan, somewhere near Colonel Schuyler’s upon the Passaic, about 12 miles from the Hudson. Two of the detachments made large circuitous

marches before they joined the main body at Schuyler's, and, according to orders, drove in all the cattle, hogs, horses, and sheep that fell in their way, whether the property of whigs or tories, royalists or rebels, and indiscriminately robbed the inhabitants of whatever they found in their houses. This desultory expedition took up about three days, a few guns were fired, but not a man killed or wounded on either side. The expedition had not the least effect as to the operations either to the southward or northward. An amazing drove of cattle, hogs, and sheep, however, were brought into the British lines and delivered to the commissaries for the use of the army ; and though this was plunder, and the army of course (who were the captors) entitled to have the produce divided among them, yet not a farthing did a man of them get, though the nation was charged by, and the cash actually paid to, the commissaries at the rate of 1s. 6d. sterling for every pound.

In the spring of 1777, General Burgoyne arrived in Canada, with orders to collect all the troops that could be spared in that Colony, to proceed down Lake Champlain, reduce the rebel forts in his route, proceed to Albany, and from thence to New York, and put himself under the command of General Howe. Burgoyne was not to take the command of this army until it had passed the frontier of the Colony. General Carleton, the Governor, being a senior officer to Burgoyne, of course must command as long as the army was in his government. The army when collected consisted of about 8,000 regular troops (including Germans), a corps of about 400 artillery men, a large body of Indians, a number of Canadian volunteers, and several companies of provincials, besides a body

of sailors. Every exertion was used to get the army in readiness for marching. General Carleton (though he thought himself ill used in not being appointed to the command, and for which reason he shortly after resigned his government,) did every thing within his power to expedite and forward the march of the army as early in the season as possible. To prepare every thing, however, took up some time. In June all was ready. The troops embarked at St. John's with an amazing train of artillery, their baggage, provisions, horses, oxen, waggons, carts, &c., under the convoy of a fleet of men-of-war, commanded by Commodore Lutwyche, and sailed down the Champlain. Before they got to the bottom of the lake, they fell in with the rebel fleet, and took, burnt, or sunk the greater part. The army landed at Crown Point, which the rebels had previously abandoned. Every thing was prepared for the siege of Ticonderoga. When the works were nearly invested, the enemy deserted them, leaving all their baggage, military stores, provisions, and above 250 cannon undestroyed; the evacuation was soon known, and the British took possession. Burgoyne instantly commenced a pursuit, overtook the fugitives, defeated them in two separate actions the two following days, made a number of prisoners, and killed and wounded many more. Some of the British also got to Lake George, destroyed the boats there, and seized upon some magazines deposited upon some islands in that lake. Upon the two defeats before mentioned, the militia of New Hampshire, Massachusetts, Rhode Island, and Connecticut, which formed a large part of the army at Ticonderoga, returned to their respective States, while General Sinclair, who was the rebel Commander-in-Chief, with the Conti-

nentals in detached parties, pushed through the woods. Some got to Albany, some to Still Water, and some to Half Moon. Nothing could be more brilliant; success attended the British army in every shape, in every step it took, in all its manœuvres. But we have nearly seen the last of it. Had General Burgoyne, after the defeat and dispersion of the rebels, returned to Ticonderoga,<sup>1</sup> and embarked his army upon Lake George, he might have passed it in 24 hours. Fort George upon the opposite end of the lake was nothing more than a kind of stone house, where the rebels deposited their stores, provisions, and forage, until it could be transported down the lake. It had a few guns mounted, and was garrisoned by about 150 men. It would have been abandoned, or surrendered, upon the approach of the British army. It would never have stood a siege, it could have been reduced in three hours. From hence to Fort Edward, distant about 14 miles, was an open, plain, good, well-beaten road. This fort must have submitted upon the appearance of the

<sup>1</sup> Hear what the Abbé Robin says upon this subject: "After the total dispersion of the rebel army that had evacuated Crown Point and Ticonderoga, Burgoyne without loss of time set out for Skenesborough, on his march to Fort Edward. He encountered great difficulties and embarrassments, though the distance is not considerable. The country is wild, desert, incumbered with marshes, and intersected with creeks. The enemy increased the difficulties by huge lines of abatis. It is not easy to conceive how much he had to suffer in surmounting these difficulties. He had 40 bridges or causeways (one of them a mile in length) to construct in his march towards Fort Edward. He might have avoided all this, had he returned to Ticonderoga and passed Lake George, but it seems he feared a retrograde march might give the Americans time to recover their fright, and slacken the ardor of his own troops." Again says the Abbé, "The great fault of Burgoyne, and what prepared the way to all his misfortunes, was his march to Fort Edward by Skenesborough. Had he returned to Ticonderoga and proceeded to Fort George, he would doubtless have avoided the disasters that followed, but it seems he feared a retrograde march would damp the ardor of his troops and give the Americans time to recover from their surprise."

army before it, after which there was no kind of obstruction to his marching directly to Albany, there was neither army or fortification in the way. The country, panic struck between Fort Edward and Albany, was also a good foraging country and the inhabitants in general well affected. Ticonderoga was evacuated, and the rebels totally dispersed early in July. Had the General returned and pursued the route before mentioned, he might with ease have been in possession of Albany in the course of ten days. Instead of which, by whose fatal advice he best knows, he proceeded to Skenesborough, and after clearing out Wood Creek, which was full of logs and dead trees, cutting a road through almost impenetrable forests, building bridges over creeks, and making causeways through swamps and morasses, he arrived (with an army debilitated with hard labour, his provisions expended, his oxen destroyed, and his few surviving horses fit only for the food of crows, wolves, and vultures), after a most fatiguing march of more than three weeks, (which might have been performed by the way of Lake George in four days) at Fort Edward upon the banks of the Hudson. Upon this, the rebels abandoned the fort, and fled to Still-Water, where Congress had (while Burgoyne was engaged in clearing out the Wood Creek, making roads, building bridges, and forming causeways,) collected together a very respectable army under the command of Generals Gates, Arnold, and Lincoln, and where they now lay entrenched, strongly fortified, and fully supplied with forage and provisions. The General, in his own account in his letter to the American Secretary, dated 30th July, says, that besides clearing the roads, which had large trees felled across them, he built 40 new bridges, besides repairing old



ones. That one of the new ones was a long work over a morass two miles in extent. He goes on in his letter and says, "I was not unapprised that great part of these difficulties might have been avoided by falling back from Skenesborough to Ticonderoga by water, in order to take the more commodious route by Lake George. But besides wishing to avoid the effect which a retrograde motion often has to arrest the panic of an enemy, I conceived that the natural consequence would be a resistance of delay at least at Fort George." This is his excuse for taking the fatiguing, toilsome, harassing route he did, instead of what he acknowledges to be "the more commodious and easy one by way of Fort George." Had he fairly and openly told the truth, he would have declared that the route he pursued was by the advice of Colonel Skene, the proprietor of Skenesborough, and whose estate there, by clearing out the Wood Creek, and making a firm substantial road from thence to Fort Edward, with strong bridges over all the creeks, and causeways through the swamps and morasses, had Great Britain succeeded in the contest, would have been rendered more valuable by several thousand pounds.

The General in his letter to Lord George Germaine of the 20th of October from Albany, a few days after the Saratoga Convention, in his Journal of the Northern Expedition thereby transmitted, mentions an attack made by the rebels upon Diamond Island, where he had deposited his stores, erected works, and garrisoned it with two companies of the 47th. He says, "It was a better situation for the security of the stores than Fort George, which being on the Continent was not tenable against artillery and numbers." He had

both, and yet preferred the tedious, difficult, and laborious march by the Wood Creek, in preference to the more eligible one by Fort George, which he acknowledges was not tenable against artillery and numbers. But a retrograde march it seems he was apprehensive might dampen the ardor of his troops, and give spirits to those of the rebels who were totally dispersed, and flying in every direction to reach their respective homes. Very logical reasoning this, indeed! The General had not been long upon the banks of the Hudson, before he found himself in want of provisions, of cattle, oxen, horses, wagons, and carts. This was occasioned by the tedious, long, and fatiguing march from Skenesborough to Fort Edward; in which his provisions had been expended, his carts and wagons in a great measure rendered unfit for service, and his horses and oxen reduced to the same situation. Had he taken the more easy and commodious route by Fort George, all these difficulties would have been avoided. Nay, he might, (long before he reached the Hudson by the course he took) have been without an enemy to oppose him, in full possession of the City of Albany,<sup>1</sup> and the opulent, fruitful county of Tryon,

<sup>1</sup> Gordon says, "Had the British commander returned immediately to Ticonderoga, and advanced from thence in the most expeditious manner, with a few light field-pieces, instead of suffering any delay by dragging along with him a heavy train of artillery, he might have been at Albany in a very short time." This, adds Gordon, "I have heard General Gates repeatedly say." Two schooners, and those small ones, upon the lake could have made no resistance against a brigade of gun-boats. Fort George was well adapted to keep off Indians and small parties, but not to stop the royal army. The Americans, instead of defending the Fort, or opposing the landing of the army, would undoubtedly have retreated to General Schuyler at Fort Edward. The latter found himself so weak, that by the 1st of August he drew back from Saratoga to Still Water (25 miles north of Albany) from whence he wrote on the 4th, "We have not more than 4,000 Continental troops, if men one-third of which are negroes, boys, and men too aged for field, or indeed any other service, can be called troops. A great part of this

with the greatest part of those of Charlotte, and Albany. But evil stars sometimes rule, and obstinate, macaroni Generals sometimes command. Wrong measures had been taken, in consequence of which the army now experienced difficulties, which if possible were to be remedied. The rebels had a magazine at Bennington, in Vermont, about 20 miles distant from the General's encampment. In this deposit was lodged provisions of all kinds, cattle, sheep, and hogs, corn of all kinds, oxen, and horses fit for the use of carriages, besides a large number of wagons and carts. All these were wanted for the British army. How to get them was the question. This was soon answered. The magazine was guarded only by New England militia. They, as it were said, not being numerous, might easily be surprised. An attempt was accordingly projected. It was to be conducted by disciplined troops, and little doubt was entertained of its success. Lieut.-Colonel Baum, a German of spirit, was pitched upon for this service; and Lieut.-Colonel Breyman was to take post in such a situation as might enable him to assist Baum in case of necessity. The detachment under Baum consisted of 800 men, chiefly foreigners. The march was so slow, in consequence of bad roads, and the natural heaviness of Germans, that the rebels at Bennington had soon intelligence of the route they were taking, guessed at their design, and prepared matters accordingly. Baum, when within 4 miles of Bennington, received information that the

"army are naked, without blankets, ill armed, and very deficient in accoutrements.  
"Too many of our officers would be a disgrace to the most contemptible troops  
"that were ever collected, and have so little sense of honour, that cashiering of  
"them seems no punishment. They have stood by, and suffered the most scandalous depredations to be committed on the poor, distressed, ruined, and flying  
"inhabitants."

enemy had notice of his design, and were prepared to receive him. Upon this Baum halted, took possession of some strong ground, entrenched, and dispatched an express to General Burgoyne with an account of his situation. The General immediately ordered Breyman with his detachment to march with the utmost expedition to the assistance of Baum. It consisted of about 700 men. Colonel Starke, who commanded at Bennington, got intelligence of the intended junction, and determined to prevent it, if possible. He therefore marched out of Bennington with the militia (the number uncertain), and resolutely attacked Baum in his entrenchments, carried them after a gallant defence, took a number of prisoners, two pieces of cannon, and all their baggage. This happened on the 16th of August. While this was transacting in the neighbourhood of Bennington, Colonel Breyman was pushing through bad roads and heavy rains, with foundered, crippled, and jaded, horses, in order to join Baum, who was unluckily defeated before Breyman arrived very near him. Of this Breyman had not the least intelligence, and fell in with the victors before he knew an enemy was near him. He fought, however, with spirit, but was obliged to retreat. Luckily it was near evening when Breyman joined Baum's routed detachment, which the rebels were in pursuit of, and the approaching night greatly contributed to the escape of Breyman and his party. However, the two detachments did not lose, in killed and prisoners, less than 600 men. Colonel Baum was among the former. This was a great loss, considering the situation of General Burgoyne's army at the time. The design totally failed. It was a great disappointment to the British army, and the Americans were wonderfully elated with

the victory. It of course had different effects upon the two armies. A kind of despondency took place in one, a universal exultation in the other. The British had failed in their attempt, they got no cattle, no provisions, no corn, no wagons, no horses, nor any carts, but instead of that, they lost their own horses, their baggage, their wagons, two pieces of cannon, and 600 men. Burgoyne was now in a situation more desperate than ever, yet neither his own spirits, those of his officers, nor those of his men, seem to have failed them in the least.

On the 19th of September, a general engagement took place between the two armies. It was a sharp, well-contested battle. The rebels at last gave way, and left the British masters of the field. The loss on each side was nearly equal. Many brave officers fell. As the action closed with the day, no pursuit was made, nor were the victors, however so inclined, in a situation proper to undertake one. The field of battle remained in possession of the royal army, but honour excepted, nothing else was gained. The rebels retreated to their entrenchments, which they had left in the morning to fight the British in the open field, and prepared to defend themselves in case Burgoyne pursued his victory. This he was not in a situation to do. Things now grew worse and worse. The rebel army was constantly increasing by drafts from the militia. On the contrary, the royal army was constantly mouldering away, without scarce a possibility of its being recruited.

On the 7th of October another action took place. It was equally well fought with the former, but more unfortunate for the British. After a very severe contest they were obliged to give ground. The numbers

were very disproportionate ; the rebels had 16,000 men, Burgoyne not more than 5,000. The British retired to their lines. The enemy pursued with vigour, attacked the lines, under the command of Arnold and Lincoln, and were about penetrating them, when the two rebel Generals were wounded, and carried out of the field. This put an end to the action. A redoubt commanded by Germans upon the left of the British lines was taken, and though some attempts were made to retake it, they failed of success. By this the army was much exposed. What number of the enemy fell is uncertain. The loss on the part of the British was great. General Frazer was mortally wounded. Colonel Breyman killed. Sir James Clarke was mortally wounded and taken prisoner. Major Williams of the artillery, and Major Ackland of the Grenadiers were both prisoners, the latter wounded. Upon the whole, the lists of killed and wounded (the Germans not included) were long and melancholy. In short, it was a bloody day.

In the evening of the 9th, General Burgoyne left his entrenchments, marched for, and arrived at Saratoga, without the loss of a man, though the army marched within musket shot of the enemy, and were encumbered with all their baggage.

The loss of the rebels in this battle is uncertain. They lost no officers of note. Arnold and Lincoln, indeed were wounded. General Burgoyne, upon his arrival at Saratoga, found himself in a wretched situation, a large part of the enemy in his rear, parties upon each flank, and a party between him and Lake George, each party as large as his whole army. No possibility of a retreat left, he offered the enemy battle. This they refused, they had a surer game to play

In this forlorn condition the General called a council of war, consisting of all the generals, field officers, and officers commanding corps. The situation of the army in all its particular circumstances being fully considered, it was agreed to open a treaty with General Gates, the Commander-in-Chief of the rebel army. After a good deal of altercation and explanation on both sides, on the 17th of October the famous convention of Saratoga (which has occasioned so much political discussion through all Europe) was concluded, agreed upon, and signed by the respective Generals of the two armies, and thus ended the northern expedition, to the dishonour of Great Britain, and of which such sanguine hopes were entertained by the British nation.

It seems Burgoyne's orders were to penetrate through the country from Canada to New York, and put himself under the command of General Howe. It seems also that General Howe at the same time had orders to leave New York and proceed to the *southward*. This being the fact, how was General Burgoyne to put himself under the command of Sir William Howe at New York? Howe was pushing to the southward. Burgoyne was following. They set off nearly at the same time, the distance between them at least 300 miles. How were they to form a junction? or how was Burgoyne, according to his orders, to put himself under the command of General Howe at New York? Had General Howe been ordered up the Hudson, and a junction there formed between the two armies, rebellion must have expired, or if it really was the intention of the ministry to put Burgoyne's army under the command of Howe, why was it not sent to New York by water, instead of being ordered about



400 miles through woods, swamps, and marshes to accomplish the design?

Monsieur Du Portail, in speaking of this expedition, says: "It was an enormous fault in the British Government to require General Burgoyne to traverse a country more than 200 leagues, replete with difficulties, almost a desert, and of consequence very useless to take; and that, only to join Generals Howe and Clinton in the middle of the country. This project might appear very magnificent to the Cabinet of London, but to those who knew the country it was highly defective."

In the action of the 9th of October, General Frazer was mortally wounded, and died early the next morning. His particular and last desire, was to be buried in the great redoubt nearest to the enemy's encampment, attended by his domestics, without any parade whatever. The procession was partly in sight of both armies; and to the *boasted humanity* of Americans, let it be mentioned that their army kept up, and continued, an incessant cannonade upon the solemn procession until the corpse was interred, and the attendants returned to the late General's quarters. The parson, Mr. Brudenell, of the artillery, performed the sacred office without altering a muscle in his face, or betraying the least fear, though frequently covered with dirt occasioned by the balls that fell about him, from the cannonade of the Americans, when in the execution of his holy function as a minister of God.<sup>1</sup> Had an act like this been committed by Britons, it would have been trumpeted to the world as an act of

<sup>1</sup> Gordon, in his History of the American Revolution, gives the very same account as to the funeral of General Frazer and cannonade of the American army upon the procession.



the most savage barbarity, and contrary to the laws and customs of all civilized nations, but being performed by Americans, who boasted of fighting the battles of the Lord, and contending for the rights of mankind, it was a righteous act, and thought nothing of. Let rebels after this, let Americans after this, and let Gates, Arnold, Lincoln, and other principal officers of that army, after this, never boast of humanity, of virtue, or generosity.

It is something worthy of remark, that General Burgoyne in his letter to Lord George Germaine upon the taking of Ticonderoga, upon the defeat of the rebels in two actions near Skenesborough, or in that, written upon his first reaching the Hudson, never even once intimates the most distant expectation of a co-operating army. Nay, in his first letter from Ticonderoga, he says, "The fortress is to be garrisoned by troops from Canada, and the army under me will be complete for further operations." The first syllable from him about a co-operating army is after the defeat of Baum, at Bennington, in the month of August. In his letter to Sir William Howe, upon the taking of Ticonderoga, he never mentions the expectation of a co-operating army. Had he expected such an army, it is very unaccountable he should not have even hinted it in his letter to General Howe. It was from that quarter such an army was to be looked for, and no other.

It has been already mentioned that the Convention at Saratoga was signed the 17th October, 1777. By this Convention it was agreed, among other things, that the British army, after marching out of their camp with the honours of war, and depositing their arms, were to be conducted by the shortest route to Boston, from whence they were to be allowed a free embarka-

tion and passage to Europe, on condition of not serving in America during the war. All private property was to be saved, and all public to be delivered up upon honour. The articles were transmitted to Congress by Gates, and by a resolution of theirs approved of, and solemnly ratified. The army proceeded according to the articles to Boston, where they were to embark for England, as soon as a sufficient number of transports could be spared and victualed for that service. Several of the articles stipulated by the convention (as to the accommodation of the troops before embarkation, the quarters of the officers, and provisions supplied them) were violated in a most shameful manner. General Burgoyne repeatedly complained of this, to the Governor and civil magistrates of the town of Boston, to the Commander-in-Chief of the Continental troops in that quarter, but to little purpose. Tired out at length, with evasions, quibbles, and equivocations, he wrote a spirited letter to Congress, complaining in terms of some severity of the breach of several material articles in the convention. The answer was evasive. It, however, promised an inquiry, and a redress if found true. It was the middle of December before the transports were ready. Boston was fixed upon as the place of embarkation. The navigation in the bay of Boston in winter is rather dangerous. General Howe conceived it of little consequence whether the troops embarked at Boston or Rhode Island. The latter, in point of safety, was the most eligible. General Howe, therefore, desired Burgoyne to write to Congress, and request permission to embark at Rhode Island. Upon a supposition that no kind of objection would be made to the request, the transports were sent to Rhode Island. In answer to

General Burgoyne's letter, Congress acquainted him, that as he had in a former letter charged the Americans with having broken and violated the convention, he no doubt looked upon it as not binding on his part. That the number of transports provided were not sufficient for the transportation of, nor the British General able to spare provisions for so large a body of men, for so long a voyage. From these premises they formed a conclusion that the British Generals considered the convention as broken by the Americans, and consequently not binding upon them. That under pretence of embarking the troops for England, the real design was to convey them within the British lines, and make use of them in America during the war. Taking the matter up (as they pretended) in this point of view, they entered into a resolution "that the troops should not "embark for the present." This matter was by the British Generals so fully explained, as compelled Congress to shift its ground. Pretence was now set up and insisted upon, that the articles of the convention had been broken by the British, and were therefore not binding upon the Americans. To prove this, they insisted that all property belonging to the public, was by the articles to be faithfully delivered up to the victors. That the soldiers had, in violation thereof, detained and not delivered up their belts and cartouch boxes. An elucidation of this matter took up some time. General Burgoyne proved that the belts and cartouch boxes belonging to the several regiments in the British service were supplied and provided by their respective Colonels, were the property of such Colonels, and consequently private property, which was saved to the owners by the conventional articles. When pressed upon this point, Congress gave way. But then, Con-

gress died hard. The Convention troops were not to leave America. This Congress was determined upon. Should they cross the Atlantic, an equal number might be sent to America. Burgoyne's army, by the convention, might serve in any part of the world (America excepted), consequently a like number, not under the same tie, might be sent to America. This was, at all events, *aut fas, aut nefas*, to be avoided. Congress, therefore, passed a resolve, (from which they averred they never would recede) "That the embarkation of General Burgoyne and his army should be suspended until a distinct and explicit ratification of the Saratoga Convention should be properly notified by the Court of Great Britain to Congress." This was a work of time, and this was all Congress wanted. A ratification was, however, at length obtained. His Majesty being informed of the situation of the convention troops, the severity with which the Americans treated them, the badness of the provisions allowed them, and the insults they were daily receiving from the *saints* of New England, instantly sent orders to the Commander-in-Chief in America, to signify to Congress his absolute, irrevocable ratification of the Saratoga Convention. This was immediately communicated by General Clinton to Congress, with a desire that the articles now might be carried into due and full execution. But the troops were not to get away yet. Other pretexts, other evasions, and other objections, therefore, became necessary, and I believe (to the astonishment of all civilized nations) a more villainous or hypocritical one was never made. Upon receipt of the Commander-in-Chief's letter, they resolved, "that there appeared no evidence to them that the Commander-in-Chief of the British army had any

“ orders from his King for the ratification of the Convention, that the whole might be, for what they knew, a forgery, and unless a responsible witness was produced to swear he saw the King sign the orders authorizing the said Commander-in-Chief in his name to ratify the Convention, they would not believe a word that he advanced.” This was too insulting to be borne ; yet did a British Commander-in-Chief, at the head of 30,000 as good and brave troops as ever were led to battle, put up with this insulting usage to his king, to the British nation, and to himself. In the end, Congress ordered the convention troops from Boston to the frontiers of Virginia, to which they were conducted under a Yankee guard (of all guards the most degrading), the distance about 700 miles. Here barracks were provided for them in the woods ; they were formed of logs piled together, and covered with bark ; there were no floors to the rooms, and the stumps of the trees were still standing in every apartment. They had no market to resort to for provisions, they were obliged to accept of such as Congress (in their great bounty) allowed them. Congress also now (notwithstanding the convention) declared them prisoners of war. In this situation they remained till the end of the war, upon the termination of which, their imprisonment of course ceased, and they returned to their own country after a detention of nearly five years by Congress, in manifest violation of a sacred convention made by one of their Generals, and solemnly ratified by themselves. So much for the honour, the virtue, the justice, and the humanity of Congress.

At the same time that General Burgoyne set out from Canada upon his expedition to the southward, Colonel St. Leger, and Sir John Johnson, were sent

with a few regular troops, some provincial corps, a company of Canadians, a large body of Indians, and a small train of artillery, up the River St. Lawrence, to pass the Ontario, to land at Oswego, to go up the Onondaga River, pass the Oneida lake, and lay siege to a fort situated upon the carrying place, called Fort Stanwix.

This fort taken, they were to proceed down the country, and join General Burgoyne at Albany. The fort was commanded by a Colonel Gansevoort, a Dutchman from Albany, who had served the preceding war in the provincials, and was at the taking of the Havannah. The next in command was Lieutenant-Colonel Willet, from New York, a bold, enterprising young fellow, of a good family, but which by misfortunes (the branch to which he belonged) had been for many years reduced. He served in the former war as a volunteer in the provincial service. He was then quite a lad; his bravery was upon many occasions applauded. He was a great enthusiast, and had professed, and pursued with great zeal, at different times, every kind of Christian religion in the world, (the Roman Catholic excepted), but as that is now the political religion of the States, I should not be surprised to hear of his conversion to that; and instead of heading a mob, as in former days, on the 5th of November, and burning in effigy the Pope, the Devil, and the Pretender, to be carrying a cross, and kneeling at the appearance of the host.<sup>1</sup> He served several years in New York as a petty constable, was never worth a farthing, but ever poor and indigent. When the troubles began, he thought, as many others did, that by opposing Great Britain, and taking an active part on the side of rebellion, something might be gotten, at all

<sup>1</sup> He is now the High Sheriff of the City and County of New York.

events, nothing could be lost. He accordingly became a principal leader in all mobs in New York prior to the actual commencement of the rebellion.

To this fort St. Leger laid siege, the latter end of July, 1777. The garrison was strong, though not overstocked with men. The besiegers were far more numerous, but unfortunately their battering cannon were too small to make much impression upon the fort, but they blockaded it so closely on every side, as to prevent their receiving any supplies or reinforcements. The county of Tryon was the nearest county to the eastward of the fort. The Loyalists in this county, who at the beginning of the troubles were numerous, had through the oppression of the rebels, and the persecution of committees, been obliged to leave their estates, abandon their property, and take refuge in Canada.<sup>1</sup> Others were confined as prisoners in the New England Colonies, and the High Sheriff was in close custody in the Albany jail. The inhabitants who remained were chiefly in the interests of Congress (the county is large, and before the war broke out was well peopled), and were formed into a militia under the command of a General Hercheimer, a grandson of one of the palatines, who were sent over in the reign of Queen Anne, had lands given them, and formed a settlement upon the Mohawk River, which they called, and which is still known, by the name of the German Flats; and is one of the principal villages in the county of Tryon. Herkimer got intelligence of the situation of the garrison and determined to raise the siege if possible; if not, at least to throw in reinforcements, with large supplies of every kind of provisions and stores. To effect this, he

<sup>1</sup> Among these were Sir John Johnson, Colonel Guy Johnson, Colonel Claus, Colonel Butler, Walter Butler, Esq., Mr. Deas, Joseph Chew, Esq., &c., &c.

collected a body of about 1,000 militia, in which every person of note in the county, who were in the interest of Congress, served either as officers or volunteers. When everything was in readiness, Hercheimer marched for the relief of the fort, having under his escort about 400 wagons loaded with stores, and provisions, of every kind. St. Leger had soon information of these proceedings; Sir John Johnson proposed meeting them in the woods, lying in ambush and taking them by surprise. This being agreed to by St. Leger, Sir John proceeded with a part of his own corps, a few Canadians, and the Indians, the distance of a few miles, and waited the coming of the enemy. Spies were sent out, who soon returned with an account of their approach, their distance, and their route. An ambush was laid, and so artfully concealed, that the first intimation the rebels had of an enemy being at hand, was a heavy fire in their rear, in their front, and upon both flanks. Numbers fell. A battle ensued in the Indian method of fighting. The rebels behaved with resolution, but were totally defeated. Several of the Indians were killed, and among them some of their sachems. The other part of the detachment suffered little. In the action, General Hercheimer and almost every leading man in the rebel interest in the county of Tryon, were killed. Not a man got into the fort, and the wagons, provisions, and stores were all either taken or destroyed. After this signal victory, St. Leger summoned the garrison to surrender, offered honourable terms, and full protection against the depredations and insults of the savages. Gansevort listened to the terms with seeming pleasure. The case seemed desperate, the relieving army was destroyed, provisions and stores grew scarce; however, through the means of Willett,



the treaty was broken off, and the siege recommenced. The Indians grew tired of its length, clamoured at the death of their sachems, and insisted upon going home. They were with some difficulty prevailed upon to stay ; but the army getting intelligence that General Arnold was making a rapid march with 4,000 men for the relief of the fort, it was thought proper to raise the siege ; and St. Leger returned to Canada with his little army, his stores, cannon, and provisions, without the least molestation whatever. With the raising of this siege, and the convention at Saratoga, ended the northern campaign for 1777, with very little credit to its principal promoter,<sup>1</sup> or the sole director of it,<sup>2</sup> and to the eternal disgrace of the British nation. Had St. Leger's army consisted of a larger number of men, or had his battering cannon, even with the army he had, been of sufficient calibre, the fort could not have stood the siege of a week. After which, the army might have passed down the country, no obstruction was in the way, numbers would have joined upon the march, and Gates been put between two fires. Had this been done, the scandalous convention at Saratoga would in all human probability never have happened, and the British arms thereby so infamously disgraced. Hercheimer, who commanded the rebels and was slain in the action, had a brother a captain with Sir John Johnson, by whose hand perhaps the General fell. "What dire effects from civil discord flow."

In October, 1777, General Clinton, who then commanded at New York, sailed up the Hudson with about 3,000 troops, and a train of artillery, convoyed by Sir James Wallace with a number of men-of-war. He attacked, and took, all the rebel forts in the High-

<sup>1</sup> Lord George Germaine.

<sup>2</sup> General Burgoyne.

lands, to wit, Montgomery, Clinton, and Constitution. The men-of-war took, destroyed, or drove ashore, all the rebel shipping in the river. Sir James took up the chevaux-de-frise below Polopel's Island, and went with a number of troops under General Vaughn within 20 miles of Albany. Kingston, a large rebel village upon the west side of the Hudson, was burnt, and a number of rebel houses on the east side of the river. At this time the Saratoga convention was not entered into. The intent of this expedition was evidently to relieve Burgoyne. Unluckily, at this very time General Clinton received orders from General Howe to send him 4,000 men to Philadelphia, for the attack on Red Bank. He was obliged to obey. The men were sent, the river abandoned, the forts demolished, and the stores, artillery, and provisions sent to New York.<sup>1</sup> General Tryon, with a detachment of the army, burnt the Continental village, upon the east side of the river, in which was deposited stores and provisions of an amazing quantity, for the use of the three forts in the

<sup>1</sup> General Putnam, who had the command on the east side of the river, wrote to Gates upon this occasion thus: "I cannot flatter you or myself with the hopes of preventing the enemy's advancing, therefore prepare for the worst." He then goes on and says: "The militia of Connecticut came in yesterday, and the day before, in great numbers, but am sorry to say they already begin to run away. The enemy can take a fair wind, and with their flat bottomed boats, which have all sails, go to Albany or Half Moon with great expedition, and I believe without any opposition." Half Moon is 16 miles below where Gates was encamped. A junction between Clinton and Burgoyne must inevitably have taken effect, and Gates' army captured or dispersed, had it not been for General Howe's order to Clinton at this very critical time, to send 4,000 men to Philadelphia. The Hudson secured, the communication between the eastern and the southern colonies cut off, and the rebellion would have been at an end. The Rev. Doctor Cooper, in his history of the American War, says: "Had General Vaughn instead of amusing himself in burning Esopus and gentlemen's seats along the river, he might with a flood tide have reached Albany in 4 hours, as there was no force to hinder him. Had he proceeded thither and burnt the stores, Gates, as he afterwards declared himself, must have broken up his encampment and retreated into New England, Burgoyne and his army would then have been safe."

Highlands. The village was about four miles from the river. No sooner were the forts in the Highlands destroyed, and General Clinton returned to New York, than the rebels again took possession of them, rebuilt the forts, made them stronger than ever, and held them, with the possession of the river above, until the end of the war. All this was undoubtedly occasioned by General Howe's neglecting to fortify Red Bank when in his possession. By this neglect, we lost Count Donop and 800 of his party. By this, we lost two men-of-war, and a number of men, in the attack upon Mud Island. By this, we lost the three forts in the Highlands, and the complete possession of the Hudson, than which nothing could contribute more towards putting an end to the rebellion. And this same piece of neglect, with the consequences attending it, in a great measure contributed to the loss of General Burgoyne and his army. Had the 4,000 troops not been taken from the side of New York, a junction might have been formed between the two armies, which would of course have saved the loss of the northern army and prevented the disgrace which the nation suffered in the unhappy convention of Saratoga.

When the forts in the Highlands were taken, the rebels had several armed ships which they made use of as prisons, for the confinement of Loyalists. These ships, finding it impossible to escape, were run into shoal water and set on fire. There were at this time about 150 Loyalists on board, and confined below decks in irons. The rebel crews got on shore, but they never released the poor prisoners, who all perished in the flames. This is an instance of that rebel humanity of which they made such a boast during the war, while they were perpetually taxing the British with carrying it on with a barbarity peculiar to savages only.

## CHAPTER X.

I SHALL now quit the military operations for a while, and in order further to illustrate the character, the conduct, and behaviour of the republican cabal in New York, (of which William Smith the younger, William Livingston, and John Morin Scott were the principal leaders), it will be necessary to take a review of the several changes, deaths, and appointments, which took place in the Supreme Court of that province, from time to time, from the year 1760, to the commencement of the American War, with sketches of the characters, and anecdotes, of the principal actors; from which a proper judgment may be formed of the views and designs, by which the republican faction in that city were ever actuated.

On the 30th of July, 1760, Lieutenant-Governor De Lancey died, and having been Chief Justice of the province for more than 20 years, that place became vacant. Upon Mr. De Lancey's death, Cadwallader Colden, Esq., as President of his Majesty's Council, succeeded to the administration of the government. When Mr. De Lancey died, and his seat upon the bench became vacant, the puisne Judges of the Supreme Court were, John Chambers, Daniel Horsman

den, and David Jones, gentlemen of unblemished characters, undoubted abilities, and affluent fortunes. Mr. Chambers had been regularly bred to the law in the province, in all the courts of which he had practised for a long course of years, with universal applause, and the fairest reputation, as an honest, upright man. He was at this time one of his Majesty's Council, his religion was that of the Church of England, of which he was not only a zealous professor, but an ornament, and an honour, to the religion he professed. Mr. Horsmanden had his education in England, where he was called to the bar. He afterwards went to, and practised in, Virginia, from thence he went to New York, and practised there for several years. He was afterwards made Recorder of that city, and one of the Judges of the Supreme Court. He was a man of abilities, a churchman, equally religious, and of as good a character, as his brother Judge, Chambers. Mr. Jones was a native of the province, born upon Long Island, and had as good an education as the country in his youth would admit of. Having a large real estate in Queens County, he was while young commissioned a Judge of the Inferior Court of Common Pleas for that county. He was shortly after elected one of their representatives. He served in that station for 22 years, the 14 last of which, he was Speaker of the House. In 1758 he was honored with a seat on the Bench of the Supreme Court. He ever bore the character of an honest, modest, sensible man ; his religion was that of the English Church ; and his reputation stood fair and unblemished in the estimation of mankind.

Thus stood the Bench when Mr. De Lancey died. The Chief Justiceship of the province was a high and honourable station. The salary was large, and the per-

quisites great. No wonder several candidates appeared. Mr. Colden being President of the Council and head of the Government, all applications were made to him. Mr. Chambers modestly hinted his expectations, founded upon a kind of right, as being next in succession. Horsmanden, though younger in commission than Chambers, made a dead push for the seat. Two other candidates applied, to wit, Robert Hunter Morris, Esq., of New Jersey, and William Smith, Esq., then a practising attorney at the Bar of the Supreme Court. Mr. Morris was a man of abilities, deeply read in the law, was well connected in New York as well as New Jersey, sustained a good character, had no religion, and was a strong republican. He had served for many years as Chief Justice of New Jersey, with the esteem and approbation of the inhabitants, by whom he was in general beloved. He afterward served for some years as Lieutenant-Governor of Pennsylvania, under the appointment of the proprietors, with the approbation of his Majesty; but having been removed from his government, was at this time acting as Chief Justice of New Jersey. Smith was one of the Council for New York, a practising attorney, a fluent speaker, not very deeply read in the law. His reputation and character as a lawyer, after a practice of more than thirty years, were but slight, indifferent, and very freely spoken of; his principles were republican, and his religion presbyterian. These were the four gentlemen who applied for the chief seat upon the Bench.

Mr. Colden was a politician; he was aiming himself at the government, and was determined to give the Ministry no offence by the appointment of a Chief Justice without their consent. In answer to the appli-

cation from Mr. Chambers, he told him fairly, "that he "should not appoint till he heard from England." To that of Mr. Horsmanden, "that as he was a junior to Mr. "Chambers, he could by no means think of promot- "ing him over the head of his senior." To Mr. Morris's, "that as he lived in a different province, of "which he was the Chief Justice, it would be inconsis- "tent and ill-judged, to take him from thence, and make "him Chief Justice of New York, in preference to the "Judges then upon the Bench in that province." And as to Smith's, "that he could never entertain the least "thought of casting such a slur, or throwing such an in- "dignity, upon the three Judges then upon the Bench, "who were all gentlemen of abilities, of character, and "fortune, and had long served in their judicial capacities "with the approbation of the public, as to take a prac- "tising attorney from the Bar of that Bench of which "they were the Judges, and put him over their heads by "promoting him to the seat of Chief Justice."

This rejection of Smith's application by Colden never was forgiven by the republicans in New York during the whole course of his life, and hence originated all that abuse, scandal, infamy, billingsgate, and blackguard stuff, that was shortly afterwards so liberally bestowed in pamphlets, newspapers, and handbills upon that venerable old gentleman, his family, and other near connections in New York, by the republican faction under the guidance and direction of the Smiths, the elder, and younger, William Livingston, John Morin Scott, Thomas Smith, Peter Van Brugh Livingston, Robert R. Livingston, John Vanderspeigle, Alexander McDougal, and some others of the same stamp. Mr. Colden, however, notwithstanding all the clamor, scurrility, abuse, and interest, of the republican faction,

succeeded Mr. De Lancey as Lieutenant-Governor. General Moncton was appointed Captain-General and Commander-in-Chief. Major Gates (afterwards a General in the rebel service) was his Secretary, his Aid-de-Camp, his Brigade-Major, his every thing; a man of mean capacity, trifling intellect, little understanding, and no learning. Yet, astonishing as it is, he had an amazing influence over the General, who in many things, (though a sensible man himself) was wholly governed by his opinion. This gentleman was a proper object for the republican cabal. He was coaxed, caroused, flattered, and entertained. The principal agents were Smith the younger, William Livingston, and Scott. Through his means they wormed themselves into the good graces of the General, and at length prevailed upon him to commit an act for which he never forgave Gates or his advisers. The General was bound upon an expedition against Martinico, and before his departure, through the advice of Gates, (instigated by Smith, Jun., William Livingston and Scott) he insisted upon Mr. Colden's giving him a bond in a large penalty, with sufficient securities, conditioned (upon the Governor's return) to account upon oath for all the perquisites and emoluments of government. Degrading as it was, Colden submitted. The Governor had a power of superceding the Lieutenant-Governor. The bond was executed. The Governor sailed, landed at Martinico, took the island, and returned to New York in the course of a few months. Upon his return he sent for Mr. Colden, apologized for his former conduct, delivered him up the bond, took his word as to the emoluments of government, and a constant friendship ever after subsisted between them.



Mr. Colden not having appointed a Chief Justice in the room of Mr. De Lancey, the Ministry at the same time that they appointed General Moncton to be Governor, and Mr. Colden Lieutenant-Governor, also appointed Benjamin Pratt, Esq., a gentleman of the Massachusetts bar, to be Chief Justice of New York. Mr. Pratt arrived in New York early in 1761, when his letters patent passed the seals in consequence of his Majesty's royal mandamus for that purpose, was himself qualified according to law, and in January Term took his seat upon the Bench, none of the other Judges being present. This gentleman was a person of great note, and of high estimation in his native province as a lawyer, his abilities were considerable, his memory amazingly strong and retentive. He had, however, a method of speaking extremely disagreeable in New York. His manners, his address, his eloquence, and action, were calculated perhaps for making a figure, and shining, in the courts at Boston, but were by no means calculated for the meridian of the province of which he was now Chief Justice. He was a perfect stranger to the municipal laws of the Colony, not deeply read in the laws of England, and as to the practice of the Courts at New York, a mere novice. It has been already mentioned, that Mr. Pratt took his seat as Chief Justice of New York in January Term, 1761. He was alone, the other Judges being all absent. The reason was this. On the 30th of October, 1760, George the 2nd died, upon which contingency I am told, the Judges' commissions became void, and their power afterwards, continued only in consequence of an Act of Parliament, and the new King's proclamation, authorising all officers of Government to proceed in the execution of their offices for six months after the

demise of the Crown, or until the issuing of new commissions, or the appointment of other officers. The Judges, when the King died, all held their commissions "during good behaviour." These commissions upon the King's death becoming void, and executable only by virtue of the Act of Parliament, and the new King's proclamation as aforesaid, Mr. Colden offered to renew; but refused to renew them upon any other terms than "during pleasure," agreeably to his instructions, which he was determined at all events to make the governing rule of his conduct. Upon these terms the Judges refused the acceptance of new commissions. Matters were now in an odd situation. There were, in short, courts, and yet no courts. Judges, and, as it were, no Judges. The courts were kept open, common rules were entered. Some trifling cases were tried, but as to the trial of criminals, or civil causes of any consequence, the Judges refused, giving as a reason the perplexed, uncertain, and undetermined state in which their commissions stood. Thus circumstanced was the Supreme Court at New York when Mr. Pratt arrived, who had accepted of his commission "during pleasure." He was qualified, and had taken his seat upon the Bench as has been before mentioned. Mr. Chambers, conceiving himself badly treated, upon Mr. Pratt's appointment resigned his commission. Mr. Pratt being left upon the Bench the whole of January Term by himself, and being unacquainted with the practice of the courts, and the laws of the colony, found himself so perplexed and bewildered, that as soon as the term ended, he applied to Mr. Colden and begged that the Bench might be filled up. Mr. Colden sent to the two remaining Judges, and desired to know whether they would accept of

their commissions upon the terms he had already offered them or not? This had the desired effect. They consulted their friends, and were advised to accept of their commissions upon the terms proposed. They did so, gave up the dispute, and took their seats upon the Bench. Thus the Crown, through the perseverance of Mr. Colden, carried its point.

The Judges, who had for many years before held their commissions "during good behaviour," and were of course independent of the crown, were now prevailed upon to accept them "during pleasure," and to become mere dependants. Mr. Pratt, in consequence of having accepted of his commission "during pleasure," and thereby set the precedent, met with a good deal of ill-will, was insulted, abused, and lampooned through the artful insinuations, and cunning, sly, dark designs of the republican faction, of which the two Smiths, senior and junior, William Livingston, John Morin Scott, Robert R. Livingston, Peter Van Brugh Livingston, Philip Livingston, and Thomas Smith, were the principal leaders. Mr. Pratt was opposed in every judicial act he did, plagued, and harassed, by the Smiths, William Livingston, and Scott, the then leading gentlemen at the bar. He was, in short, through the means of the faction, neglected in a great measure by the whole town, Mr. Colden's family and connections, and those of his brother-in-law, Mr. Auchmuty,<sup>1</sup> only excepted.

The General Assembly being at this period govern-

<sup>1</sup> The Reverend Mr. Samuel Auchmuty, at that time Rector of Trinity Church, a native of Boston, a gentleman of a most unblemished character, amiable disposition, and strict loyalty, who suffered most severely from the power of the rebels prior to the reduction of New York by the King's troops, and at last died of a broken heart, brought on by the wickedness and depravity of the times. Mr. Pratt was married to this gentleman's sister.

ed by the republican faction, (of which Philip Livingston, Robert R. Livingston, Henry Livingston, and P. R. Livingston were the leaders within doors, and the two Smiths, William Livingston and Scott the principal advisers without), warmly took up the affair of the Judges' commissions, and passed some resolves containing cruel reflections upon the conduct of the Chief Justice for accepting his commission during pleasure ; and very severe and similar ones against the Lieut.-Governor and his advisers, for not granting the commissions during good behaviour, whom they declared enemies to the Colony, to the Government, and the Constitution, and threatened to grant no salaries either to him, or the Judges, unless commissions were granted in that form. The Lieut.-Governor, piqued at these resolves and threats, well knowing from whence the storm arose, and suspecting the design was only to render him unpopular and odious in the eyes of the people, and that the house was actuated by a spirit of party, and not the love of their country, boldly took the resolution of putting their boasted patriotism to the test. He therefore sent them a message by his Secretary, acquainting them, that convinced of the necessity and propriety of the Judges being totally independent, he had come to a resolution of granting them their commissions during good behaviour, and thereby making them independent of the Crown, upon this express condition, however, that the Assembly should settle upon them definite, permanent salaries, payable without any interference or control of the Legislature, and determinable only upon the determination of their respective commissions. What a glorious offer ! What a noble opportunity was here of having the Judges, to every sense and purpose, as absolutely in-

dependent as it was possible to make them. Yet this offer, so reasonable in itself, and so advantageous and beneficial to the Colony, was rejected by the Assembly. All further proceedings in this business (which had been conducted with so much violence and rancour) were now instantly dropped. The Assembly wished to have the Judges independent of the Crown, but were determined to have them dependent upon themselves, if possible. This scheme failing, they were glad to let the controversy, the clamour, cease. Mr. Colden had outwitted them. His conduct was in general approved of. Great pains were now taken to have all things quieted. The bustle in a short time subsided, and in a few weeks nothing more was heard of the matter.

All this trouble between Mr. Colden and the Assembly relative to the Judges' commissions, happened while General Moncton was absent upon his expedition against Martinico.

In the month of May, 1762, Mr. Pratt went to Boston upon a visit to his relations, was taken ill soon after his arrival, and died in a few days, upon which Mr. Moncton completed the bench. He appointed Mr. Horsmanden Chief Justice. To Mr. Jones he gave the next commission, to William Smith, the elder, the third, and to Robert R. Livingston the fourth. This seems to have been a piece of policy. The two former Judges were promoted, and the two new ones appointed out of the republican party. Nor did Smith, nor Livingston, ever make an objection to receive their commissions "during pleasure," though they had made such a work about it a few months before.

An anecdote which shows the assurance of the republican cabal in New York, must be now mentioned.

Prior to filling up the bench, an attempt was made by the party (of which Smith junior, William Livingston, Scott, and Thomas Smith publicly appeared as the leaders) to prevail upon the Governor and Council to appoint the elder Smith the second Judge, in preference to Mr. Jones, though Mr. Smith had never been upon the bench, and Mr. Jones had served with reputation for many years. Jones was a churchman, and a friend to the established constitution. Smith was a republican, a presbyterian, and a professed enemy to all earthly, kingly, government. Horsmanden was very old, and might soon die. Should Smith, therefore, and the faction succeed in this favourite scheme, and Horsmanden's death happen, Smith would, in all probability, be preferred to the head of the bench, than which nothing could be more grateful, flattering to, or more devoutly to be wished for by, the republicans. Smith preferred his petition, asking the appointment. The Governor laid it before the Council. It was rejected with disdain. Mr. Jones was appointed the second Judge, and Smith, to the great mortification of himself and friends, was obliged to accept of the third.

In November, 1769, Smith the elder died, and the vacant seat was filled up by the appointment of George Duncan Ludlow, Esq., a gentleman of a liberal education, the eldest son of an opulent merchant, with large family connections, of great abilities, and deeply read in the law. When this gentleman first left college he entered into trade, intending to pursue a mercantile course of life, but being rather unfortunate in business, he prudently broke up his store, disposed of his merchandise, and purchased a genteel farm in Queens county, upon Long Island, and retired to the pleasures

of a country life. Here he first attempted the law, and by dint of hard study, constant application, retentive memory, and a most brilliant genius, he in a short time made an amazing proficiency in that intricate science. Living in the country, in the neighborhood of Mr. Colden, an intimacy took place, and Mr. Colden, when Smith died (having the administration in his hands), recommended him to the Council as a proper person to fill the vacant seat. The Council approved, and he was commissioned accordingly. He is a descendant in a direct line from the great General Ludlow, who served the parliament with such distinguished zeal in the great English rebellion in the days of the unfortunate Charles the First, and though he possesses all the virtues of his ancestor, he inherited neither his enthusiasm, his republican principles, nor his presbyterian religion ; he is a warm episcopalian, and a steady loyalist.

In September, 1773, Mr. Justice Jones being grown old, sickly, and infirm, resigned his seat, and General Tryon, then Governor of New York, with the advice of his majesty's Council, appointed his only son, Thomas Jones, Esq., to the seat vacant by his father's resignation. This gentleman was liberally educated, served a regular apprenticeship to one of the most eminent council in New York, was called to the bar, and practised in all the courts of record within the province for a number of years, with honor, a fair character, and unblemished reputation. So early as 1757, he was by Sir Charles Hardy, the Governor of the Colony, made Clerk of the Inferior Court of Common Pleas for Queens County. In 1769 he was appointed Recorder of the City of New York, which office he executed to the universal satisfaction of the citizens,

until September, 1773, when he was (as already mentioned) promoted to a seat upon the bench of the Supreme Court. His loyalty is well known, his integrity undoubted, and his religion that of the Church of England. For his steady adherence to the cause of his sovereign, his fixed opposition to rebellion, and the measures pursued prior to its actual commencement, he became extremely obnoxious to the rebel powers. In consequence of which, he was three times a prisoner, treated by the rebels with the utmost severity, indignity, and contempt, suffered a captivity of nearly a year in Connecticut, was at different times robbed, plundered, and pillaged, and at last attainted by the Legislature of New York of high treason, and his estate confiscated to the use of the State.

In December, 1775, Mr. Justice Livingston died,<sup>1</sup> and in the spring following, Whitehead Hicks, Esq., was appointed to fill the vacant seat. But the unhappy troubles increasing, and independency being shortly after declared, he never took his seat upon the bench, and in the month of October, 1780, died. He was regularly bred to the law, was a man of honour, integrity, and reputation, had the character of a fair practitioner, and possessed a good share of sense. He served many years as mayor of the city, with the approbation, and to the satisfaction of, the people in general. He was of a gay, open disposition, cheerful and steady in his friendship, was universally beloved, and died as universally lamented. He was a *bon vivant*, loved company, and was a jovial fellow.

<sup>1</sup> He early engaged in and encouraged the rebellion, was one of the principal "Associators," swore allegiance to the Congress, and damned the King, the Parliament, and Ministry. He was excessively timid, and when he found Great Britain in earnest, he put an end to his life by the use of a halter.



Thus stood the Supreme Court of the province of New York when the rebellion broke out, and independency was declared by Congress. The bench was complete.

In the spring of 1778, Mr. Chief Justice Horsmanden died, leaving Ludlow, Jones and Hicks, the three puisne Judges, all alive and in full health. In a very short time afterwards, William Smith, Esq., who had resided among, and under the protection of, rebels from April, 1776, came into New York in the manner before-mentioned, professing unbounded loyalty to his sovereign, and utter detestation of, and horror at, the rebellion then subsisting. In the month of June, thereafter, the American Commissioners arrived at New York from Philadelphia. In conjunction with Mr. Eden (as has been already mentioned) a scheme was now laid, to oust General Tryon from his Government, and to substitute General Robertson in his place, to get Mr. Elliott (the brother-in-law of Eden) appointed Lieutenant-Governor in the room of Mr. Colden (who had been dead some years), and Smith Chief Justice, in the room of Horsmanden, and in preference to Ludlow, who was, as the eldest puisne Judge, in justice and equity, entitled to the succession. In pursuance of this plan, as before related, Robertson obtained leave of absence and sailed for England a short time after the Commissioners, where, by Eden's assistance, and by propagating a thousand falsehoods, giving wrong informations, and turning out a voluntary witness against Sir William Howe, in order to please Lord George Germaine, he succeeded to the utmost wishes of himself and friends. Tryon was displaced without a reason, and Robertson appointed his successor. Elliot was made Lieutenant-Governor, and

the virtuous, the loyal, and worthy, Mr. Smith was taken from the bar, a practising attorney, and promoted to the Chief-Justiceship of the province in preference to Ludlow, whose right in justice and equity it undoubtedly was, and in whose favour common policy, as well as common sense, dictated the appointment should have been made.

## CHAPTER XI.

I SHALL, for the present, leave political matters, and proceed to the further operations of the American war.

Early in the spring of 1778, some successful predatory expeditions were undertaken by the British from Philadelphia into New Jersey, and upon the Delaware a party of the enemy were surprised, who suffered considerably in men. The loss of the Americans in these expeditions, and some of the like kind from Rhode Island the same spring, was exceedingly great, both with respect to public and private property, ships, boats, houses, places of worship, stores of all sorts, and of whatever nature, whether public or private. In a word, everything useful to man that was liable to the action of fire, was in many places consumed. These kind of expeditions were of no service to the general cause. They answered the purpose of plunderers, robbers, and marauders. They answered no other purpose. To put an end to the rebellion, the only object should have been the destruction of the army under Washington. This might have been easily accomplished, yet was never attempted. Washington's winter quarters were at Valley Forge, upon

the Schuylkill, with about 8,000 men,<sup>1</sup> General Howe's at Philadelphia, with about 20,000,<sup>2</sup> the distance, sixteen miles. In these two places both the armies lay quietly and peaceably during the winter of 1777, and until the spring of 1778; and to the surprise of everybody, General Howe never attempted to beat up the rebel quarters.

In the spring of this year, 1778, Joseph Galloway, Esq., who had been appointed by General Howe Superintendent of the Police at, and of exports and imports in and out of, Philadelphia, and had also the command of a troop of Light Horse, raised at his own expense, received intelligence that on such a day the Governor, Lieutenant-Governor, the Council, Judges, Assemblymen, and Council of Safety, of the province of New Jersey, were to meet at Trenton; that there were no troops in Trenton, that they were under no apprehension of danger, would have no guard, and might be easily surprised. Galloway weighed the information well, and minutely inquired into every particular and circumstance about this matter. This he was enabled to do with great ease, through the means of his friends

<sup>1</sup> By Washington's own account, half starved, half clothed, numbers without shoes or stockings, living in the dead of winter in huts, and some of them deserting every day. This must have been well known to General Howe, as Valley Forge is but 16 miles from Philadelphia, and many of the deserters came into that city. Vide Gordon's History of the American Revolution. In the middle of December, 1777, a part of Washington's army was without bread, and for the rest he had not, either on the spot or within reach, a supply sufficient for four days. Both officers and men were almost perishing through want, for a fortnight, owing to the absolute emptiness of the American magazines in every place, and the total want of money and credit to replenish them. The General was obliged to call upon the State of Jersey, express his situation, and in plain terms declare that he and his army were reduced to the alternative of either disbanding, or catering for themselves, unless the inhabitants would afford them aid.

<sup>2</sup> In good health, in good quarters, well fed, well clothed, well paid and flushed with the victories of the last campaign.

in the County of Bucks, the inhabitants of which were in general loyal. Bucks County joined the Delaware, and Trenton lay upon the opposite shore. The river is narrow, and in several places a few miles above Trenton is fordable. Having well considered the scheme, and convinced of its practicability, as well as utility, he laid his plan, his information, and every particular, before General Howe, who gave it his hearty approbation, and desired Galloway to get every thing ready for carrying it into execution. But, behold ! To the great surprise of the projector, the day preceding the night on which the attempt was to have been made, (and every precaution had been taken to insure its success) the General sent for Mr. Galloway, and told him the expedition must be laid aside. Galloway inquired the reason. The General told him a cartel was soon to be settled for the exchange of prisoners, that it was, therefore, needless to make the attempt, as in case of its success the prisoners would all be entitled to their exchange in the course of a few days. This was a mighty odd kind of a reason. At this very time Governor Penn, of Pennsylvania, with a number of the principal inhabitants of Philadelphia, were prisoners upon the frontiers of the Colony. Governor Franklin of New Jersey was in actual custody, shut up in a nasty, dirty jail in New England, and a number of the principal gentlemen of New York, consisting of Judges, of members of his majesty's Council, members of the General Assembly, physicians, merchants, and respectable, substantial farmers, were prisoners to the rebel Chief, and then under the orders, and in custody, of the Governor of Connecticut upon their respective paroles. Had Galloway's plan succeeded (as it was scarcely possible, so judiciously was

it laid, to have failed), all these gentlemen might have been immediately exchanged. Instead of which, no cartel ever took place, and numbers of the gentlemen above alluded to were detained prisoners during the whole war. By this means his majesty lost the services of a number of his faithful, loyal subjects, who, had they been exchanged, the most of them would have ventured their lives and fortunes in defence of his just rights, and in the suppression of an unnatural rebellion. I say the most of them, because there were several quakers in the number whose principles forbid their engaging in war, or in carrying of arms. This was the General sent by Great Britain to quiet an American rebellion!

Early in May, 1778, Sir William Howe was superseded in his command, and Sir Henry Clinton appointed in his place, with orders to evacuate Philadelphia, and remove the army, stores, &c., to New York. The officers of the Court of Police, and the magistrates of that city, took the alarm. What were they to do in case the war was to be given up, and the fleet and army withdrawn from America? They had little favor to expect from Congress. In this dilemma they had a consultation among themselves and agreed to wait upon Sir William Howe, who still had the command, and desire him candidly to let them know, whether the war was to be relinquished or not. He gave them no positive answer, but frankly offered them his advice, which was, to apply for a flag, to go to General Washington, and endeavour through his means to make their peace with Congress. Surprising advice this, for a British General to give to British subjects holding commissions under the Crown! To join rebellion, renounce their allegiance, abjure their sover-

eign, perjure themselves, and turn traitors. Shocked at this advice they instantly repaired to General Clinton and told him the advice they had received from General Howe. Clinton was equally surprised. He told them by no means to pursue any steps of the kind, that the war was not at an end, nor to be given up; but on the contrary, it was the intention of his Majesty and his ministers, to pursue it with the utmost vigour, and that his Majesty expected his loyal subjects in America to use their exertions in its prosecution. These facts Joseph Galloway, Esq. (who was at that time Superintendent of the Court of Police) swore to, upon his examination before the House of Commons. The General was present, nor was the charge denied. From this circumstance let the public judge, whether General Howe was a real friend to his Sovereign or not? or whether he ever intended, seriously intended, to put an end to the American War, if he could avoid it? It was frequently in his power, yet every opportunity was neglected. Rebellion during his command instead of being suppressed, was actually cherished, nursed, and fostered. The army he had to deal with in 1776, and 1777, were so much in want of discipline, of arms, clothing, and ammunition, that in several instances he was near putting an end to the rebellion in spite of his teeth, and great pains he took to avoid it.

The Royal Register, in speaking of this gentleman, says: "If Sir William Howe had fortified the hills about Boston, he could not have been driven from it; had he pursued his victory upon Long Island, he had ended the rebellion; had he landed above New York not a man could have escaped; had he fought the Americans at the Bronx, he was sure of victory; had he co-operated with the northern army, he had saved

“it; or had he gone to Philadelphia by land, he had  
“ruined Mr. Washington and his forces. But as he  
“did none of these things, had he been consigned to  
“his grave, instead of being sent to America, many a  
“stream of blood, many a million of treasure, and a  
“long series of dishonour had been saved to this  
“country.” Vol. 8th, page 166. “His summers were  
“consumed in fatiguing, expensive, and useless, opera-  
“tions, while the winters were passed away in lust  
“and luxury,” *id.* 163. “I have read his defence and  
“found not the expected justification. I have perused  
“with equal attention Mr. Galloway’s observations  
“upon it, and guilt is in every page of that examina-  
“tion.” *id.* 163.


Upon the suspension of Sir William Howe, in his command in America, a most ridiculous farce took place. Philadelphia was the scene of action. The officers of the army, who had been indulged by the General in every kind of dissipation, luxury, and wantonness, agreed to exhibit a *something* before unknown to the New World, perhaps to the old. It was to signalize, perpetuate, and hand down to the remotest ages, the bravery, the heroism, the military achievements, and noble exploits performed in America, by the two brothers, Lord Howe and Sir William Howe; the first as Commander-in-Chief of the navy, the second, that of the army, in America. The particulars of this burletta are contained in the following letter from an officer upon the spot, to his friend in England, dated at Philadelphia, the 23d of May, 1778. “For  
“the first time in my life I write to you with unwilling-  
“ness. The ship which carries home Sir William will  
“convey this. We part with him with reluctance, he  
“was the favourite of the army. That our sentiments



“of his conduct while Commander-in-Chief in this  
“country might be universally known, it was agreed  
“to give him as splendid an entertainment as the  
“shortness of the time would admit of. The whole  
“army would cheerfully have contributed to the ex-  
“pense ; 22 field officers, however, joined in a subscrip-  
“tion adequate to the plan they meant to adopt. The  
“entertainment was called *a Mischianza* and consist-  
“ed in variety. Sir John Wrotesly, Colonel O'Hara,  
“the Majors Gardner and Montessoro, were appointed  
“managers. On the tickets of admission were en-  
“graved in a shield, a view of the sea, with a setting  
“sun, and on a wreath, the words, *Luceo discendens*  
“*aucto splendore resurgam*. At the top was the Gen-  
“eral's crest, with *vive vale*. All round the shield ran  
“a vignette, and various military trophies filled up the  
“ground. A grand regatta began the procession. It  
“consisted of three divisions. In the first, was the  
“Ferret galley with several general officers and a  
“number of ladies. In the centre, was the Huzzar  
“galley with Sir William Howe, Lord Howe, Sir  
“Henry Clinton, their suites, and a number of ladies.  
“The Cornwallis galley brought up the rear, having  
“on board General Knyphausen, his suite, three Brit-  
“ish Generals, and a party of ladies. On each quarter  
“of these divisions were five flat boats, lined with  
“green, and filled with gentlemen and ladies. In the  
“front of the whole, were three flat boats with a band  
“of music in each. Six barges rowed about each flank,  
“to keep off the crowd. The galleys were dressed in  
“colours, and each boat displayed the flag of its own  
“division. In the stream opposite the centre of the  
“city, an armed ship, magnificently decorated, was  
“placed at anchor, and at some distance ahead lay the

“ Roebuck, with the Admiral's flag hoisted at the  
“ foretopmast head. The transports, in a line the  
“ whole length of the city, were dressed in colours, and  
“ crowded with spectators. The docks and wharves  
“ on each side the river were in the same situation.  
“ The rendezvous was at Knight's wharf. By four  
“ the whole company were embarked, and the signal  
“ being made by the Vigilant manning ship, the three  
“ divisions rowed slowly down the river, keeping time  
“ to the music that led the fleet. Opposite the Mar-  
“ ket wharf, a signal was made from one of the boats  
“ ahead. The whole then lay upon their oars, and  
“ the music played '*God save the King.*' Three  
“ cheers were given from each vessel, and returned  
“ from the multitude on the shore. The tide now be-  
“ came too rapid for the galleys to advance. They  
“ were of course quitted, and the company disposed in  
“ different barges. The landing place was at the old  
“ fort, fronting the building prepared for the reception  
“ of the company. As soon as the General's barge  
“ pushed for the shore, the Roebuck saluted with 17  
“ guns. After a small interval the Vigilant did the same.  
“ The company as they disembarked, arranged them-  
“ selves into a line and advanced through an avenue  
“ formed by two files of grenadiers, supported by a  
“ line of horse on each side. This avenue led to a  
“ square lawn lined with troops, and prepared for the  
“ exhibition of a Tilt and Tournament according to the  
“ customs of ancient chivalry. The whole proceeded  
“ through the centre of the square. The music, con-  
“ sisting of all the bands of the army, moved in front.  
“ The managers, with blue and white ribbons upon  
“ their breasts, followed next. The General, Admi-  
“ ral, and the rest of the company succeeded promis-

“cuously. In front appeared the building bounding  
“the view, through a vista formed by two triumphal  
“arches. Two pavilions with rows of benches rising  
“one above the other, and serving as the advanced  
“wings of the first triumphal arch, received the ladies,  
“while the gentlemen ranged themselves in order on  
“each side. On the front seat of each pavilion, were  
“placed seven of the principal young ladies, dressed in  
“Turkish habits, and wearing in their turbans the  
“favours with which they meant to reward the Knights  
“who were to contend in their honour. These ar-  
“rangements being made, a sound of trumpets was  
“heard at a distance, and a band of Knights dressed  
“in habits of white and red silk, and mounted on grey  
“horses, richly caparisoned in trappings of the same  
“colours, entered the lists, attended by their Esquires  
“on foot, in suitable apparel, in the following order :  
“four trumpeters properly habited, their trumpets  
“decorated with pendant small banners ; a herald in his  
“robes of ceremony ; on his tunic was the device of  
“his band, two roses intertwined with the motto, *we*  
“*droop when separated*. Lord Cathcart superbly  
“mounted on a managed horse, appeared as Chief of  
“these Knights, two young blacks with sashes and  
“drawers of blue and white silk, wearing silver clasps  
“round their necks and arms, their breasts and shoul-  
“ders bare, held his stirrups. On his right hand  
“walked Captain Hazzard, and on his left Captain  
“Brownlow, his two Esquires, one bearing his lance,  
“the other his shield. His device was Cupid riding  
“on a lion, the motto, ‘*Surmounted by Love*.’ His  
“Lordship appeared in honour of Miss Auchmuty.  
“Then came in order, the Knights of his band, each  
“attended by his Esquire, bearing his lance and shield.



“ 1st Knight, The Hon. Captain Cathcart, in honour  
“ of Miss White ; Squire Captain Peters ; device, a  
“ heart and sword. Motto, ‘ *Love and Honour.* ’

“ 2d Knight, Lieutenant Bygrove, in honour of Miss  
“ Craig, Squire Lieutenant Nicholls ; device, Cupid  
“ tracing a circle. Motto, ‘ *Without End.* ’

“ 3d Knight, Captain Andrè, in honour of Miss Chew,  
“ Squire Lieutenant Andrè ; device, two game cocks  
“ fighting. Motto, ‘ *No Rival.* ’

“ 4th Knight, Captain Horneck, in honour of Miss  
“ Redman, Esquire Lieutenant Talbot ; device, a burn-  
“ ing heart. Motto, ‘ *Abuse cannot Extinguish.* ’

“ 5th Knight, Captain Mathews, in honour of Miss  
“ Bond, Squire Lieutenant Hamilton ; device, a wing-  
“ ed heart. Motto, ‘ *Each fair by turn.* ’

“ 6th Knight, Lieutenant Sloper, in honour of Miss  
“ Shippen, Squire Lieutenant Brown ; device, a heart  
“ and sword. Motto, ‘ *Honour and the Fair.* ’

“ After they had made the circuit of the square, and  
“ saluted the ladies as they passed before the pavil-  
“ ions, they ranged themselves in a line in front of  
“ that in which were the ladies of their device, and then  
“ the herald advancing into the centre of the square,  
“ after a flourish of trumpets, proclaimed the following  
“ challenge : The Knights of the Blended Rose, by  
“ me their herald proclaim and assert that the ladies of  
“ the Blended Rose, excel in wit, beauty, and every  
“ accomplishment those of the *whole world* ; and  
“ should any Knight or Knights, be so hardy as to dis-  
“ pute or deny it, they are ready to enter the lists with  
“ them, and maintain their assertions by deeds of arms,  
“ according to the laws of ancient chivalry. At the  
“ third repetition of the challenge, the sound of trum-  
“ pets was heard from the opposite side of the square ;

“ and another herald with four trumpeters, dressed in  
“ black and orange, galloped into the lists. He was  
“ met by the herald of the Blended Rose, and after a  
“ short parley they both advanced in front of the pa-  
“ vilions, when the black herald ordered his trumpets  
“ to sound, and then proclaimed defiance to the chal-  
“ lenge in the following words: The Knights of the  
“ Burning Mountain present themselves here, not to  
“ contest by words, but to disprove by deeds, the  
“ vain-glorious assertions of the Knights of the Blend-  
“ ed Rose, and enter these lists to maintain, that the  
“ ladies of the Burning Mountain are not excelled in  
“ virtue, beauty, or accomplishments by any in the uni-  
“ verse. He then returned, upon which the black  
“ Knights, attended by their Squires, rode into the lists  
“ in the following order :

“ 4 Trumpeters preceding the herald on whose tu-  
“ nic was represented a mountain sending forth flames.  
“ Motto, ‘ *I burn for ever.*’ Captain Watson as  
“ Chief, dressed in a suit of black and orange silk, and  
“ mounted on a black horse, with trappings of the  
“ same colours with his own dress, appeared in honour  
“ of Miss Franks; he was attended as Lord Cathcart  
“ was. Captain Scott bore his lance, and Lieutenant  
“ Lyttleton his shield. The device, a heart with a  
“ wreath of flowers. Motto, ‘ *Love and Glory.*’

“ 1st Knight, Lieutenant Underwood, in honour of  
“ Miss S. Shippen, Squire, Ensign Haverham; device,  
“ a pelican feeding her young. Motto, ‘ *For those I*  
“ ‘ *love.*’

“ 2d Knight, Lieutenant Winyard, in honour of Miss  
“ T. Shippen, Squire, Captain Boscawen; device, a  
“ bay leaf. Motto, ‘ *Unchangeable.*’

“ 3d Knight, Lieutenant Delaval, in honour of Miss

" Bond, Squire, Captain Thorne ; device, a heart aimed  
 " at by several arrows, and struck by one. Motto,  
 " '*One only pierces me.*'

" 4th Knight, Lieutenant Montluisant, in honour of  
 " Miss Redman, Squire, Captain Campbell ; device, a  
 " sun-flower turning towards the sun. Motto, '*Je vise*  
 " '*a vous.*'

" 5th Knight, Lieutenant Hobbart, in honour of Miss  
 " S. Chew, Squire, Lieutenant Briscoe ; device, Cupid  
 " piercing a coat of mail with his arrow. Motto,  
 " '*Proof to all but Love.*'

" 6th Knight, Major Tarleton, in honour of Miss  
 " Smith, Squire, Ensign Heart ; device, a light dragoon.  
 " Motto, '*Swift, Vigilant, and Bold.*'

" After they had rode round the lists and made their  
 " obeisance to the ladies, they drew up facing the  
 " White Knights, and the Chief of these having thrown  
 " down his gauntlet, the Chief of the Black Knights  
 " directed his Esquire to take it up. The Knights  
 " then received their lances from their Squires, fixed  
 " their shields on their left arms, and making a gene-  
 " ral salute to each other by a very graceful movement  
 " of their lances, turned round to take their career, and  
 " encountering in full gallop, shivered their spears. In  
 " the 2d and 3d encounters, they fired their pistols.  
 " In the fourth they fought with their swords. At  
 " length the two chiefs, spurring forward in the centre,  
 " engaged furiously in single combat, till the Marshal  
 " of the field rushed in between the chiefs, and declared  
 " that the fair damsels of the Blended Rose, and Burn-  
 " ing Mountain, were perfectly satisfied with the proofs  
 " of love, and the signal feats of valour given by their  
 " respective Knights, and commanded them as they  
 " prized the future favor of their mistresses, that they

“ would instantly desist from further combat. Obedi-  
“ ence being paid by the Chiefs to this order, they  
“ joined their respective bands. The White Knights  
“ and their attendants filed to the left, the Black Knights  
“ to the right, and after passing each other moved up  
“ alternately, till they approached the pavilions of the  
“ ladies, when they gave a general salute. A passage  
“ being opened between the two pavilions, the  
“ Knights, preceded by the Squires and the bands of  
“ music, rode through the first triumphal arch and ar-  
“ ranged themselves to the right and left. This arch  
“ was erected in honour of Lord Howe. It presented  
“ two fronts in the Tuscan order. The pediment was  
“ adorned with various naval trophies, and at the top  
“ was the figure of Neptune with a trident in his right  
“ hand. In a niche on each side stood a sailor with a  
“ drawn cutlass. Three plumes of feathers were  
“ placed on the summit of each wing, and in the entab-  
“ lature was the inscription, ‘*Laus illi debetur, et*  
“ ‘*alma gratia major.*’ In the interval between the  
“ two arches was an avenue 300 feet long and 34  
“ broad. It was lined on each side with a file of  
“ troops, and the colours of all the army, planted at  
“ proper distances, had a beautiful effect in diversify-  
“ ing the scene. Between these colours the Knights  
“ and Squires took their stations. The bands con-  
“ tinued to play several pieces of martial music. The  
“ company moved forward in procession, with the  
“ ladies in the Turkish habits in front; as they passed,  
“ they were saluted by their Knights, who dismounted  
“ and joined them. In this order the whole were con-  
“ ducted to a garden that fronted the house through  
“ the 2d triumphal arch dedicated to the General.  
“ This arch was also built in the Tuscan order. On

“ the interior part of the pediment was painted a plume  
“ of feathers and various military trophies. At the top  
“ stood the figure of Fame, and in the entablature this  
“ device, ‘*I bone quo virtus tua te vocet; I pede*  
“ ‘*fausto.*’ On the right hand pillar was placed a  
“ bomb shell, and on the left a flaming heart. The  
“ front next the house was adorned with preparations  
“ for a fire-work. From the garden, a flight of steps  
“ covered with carpets led into a spacious hall, the  
“ panels painted in imitation of Sienna marble, the  
“ surbase and all below was black. In this hall were  
“ tea, coffee, chocolate, lemonade, and other liquors  
“ with which the company were regaled. The Knights  
“ now came in, and upon their knees received their  
“ favours from their respective ladies. A room was  
“ also appropriated for the use of the faro table during  
“ the night. As you entered it, you saw on a panel  
“ over the chimney a cornucopia filled with flowers of  
“ the richest colours; over the door as you went out,  
“ another presented itself shrunk, reversed, and emp-  
“ tied. The ball-room was decorated in a light, elegant  
“ style of painting. The ground was a pale blue, pan-  
“ elled with a small gold bead, and in the interior filled  
“ with drooping festoons of flowers in their natural  
“ colours. Below the surbase, the ground was of  
“ rose-pink with drapery festooned in blue. These  
“ decorations were heightened by 85 mirrors decked  
“ with rose-pink silk ribbons, and artificial flowers.  
“ In the intermediate spaces were 34 branches with  
“ wax lights ornamented in a similar manner. There  
“ were four drawing rooms with sideboards of refresh-  
“ ments decorated and lighted as the ball-room. The  
“ ball was opened by the Knights and their ladies.  
“ The dances continued till ten. The windows were



“ then thrown open, and a magnificent bouquet of rock-  
“ ets began the fireworks. They consisted of 20 differ-  
“ ent exhibitions, displayed under the direction of the  
“ Chief Engineer with the happiest success, and in the  
“ highest style of beauty. Towards the conclusion,  
“ the interior part of the triumphal arch was illuminat-  
“ ed amidst an uninterrupted flight of rockets and  
“ bursting of balloons. The military trophies on each  
“ side assumed a variety of transparent colours. The  
“ shell and flaming heart on the wings sent forth Chi-  
“ nese fountains succeeded by fire pots. Fame ap-  
“ peared at the top spangled with stars, and from her  
“ trumpet blowing the following device in letters of  
“ light: ‘ *Tes Lauriers sont immortels.*’ A *fauteur* of  
“ rockets, bursting from the pediment, concluded the  
“ ‘*feu d’artifice.*’ At twelve supper was announced,  
“ and large folding doors artfully concealed, were now  
“ thrown open and discovered an elegant saloon of  
“ 210 feet by 40, and 22 in height, with 3 alcoves on  
“ each side, which served for side boards. The ceil-  
“ ing was the segment of a circle, and the sides were  
“ painted of a light straw colour with vine leaves and  
“ festoon flowers, some in bright, some in darkish  
“ green. 56 large pier glasses ornamented with green  
“ silk, artificial flowers and ribbons; 100 branches with  
“ 3 lights in each, trimmed in the same manner as the  
“ mirrors; 18 lustres, each with 24 lights, suspended  
“ from the ceiling and ornamented as the branches; 300  
“ wax tapers disposed along the supper tables; 430  
“ covers, 1,200 dishes, 24 blacks in Oriental dresses with  
“ silver collars and bracelets, ranged in two lines, and  
“ bending to the ground as the General and Admiral  
“ approached the saloon—all forming together the most  
“ brilliant assemblage of gay objects, and all appear-

"ing at once, exhibited a *coup d'œil* magnificent beyond all description. Towards the end of the supper, "the herald of the Blended Rose, in his habit of ceremony, attended by his trumpets, entered the saloon and proclaimed the King's health, the Queen's, the Royal Family, the Army and Navy, with their respective commanders, the 'Knights and their ladies,' the ladies in general. Each toast was followed by a flourish of music. After supper the dancing recommenced and continued till four in the morning."<sup>1</sup>

Soon after the exhibition of this farce, comedy, or burletta, Sir William left Philadelphia and sailed for England. Upon his arrival he joined heart and hand in supporting an unprincipled faction then in Parliament, who were opposing the administration of Lord North, clogging the wheels of government, encouraging the rebellion in America, and fomenting divisions in England. What Ministry but one headed by an irresolute, timid nobleman, and the hero of Minden, would have intrusted the principal command in America, the suppression of an unprovoked rebellion, (upon

<sup>1</sup> The Royal Register, in speaking of this same *Mischianza*, says: "The Fête that was given Sir William by the officers of his late army, was not the festival of victory, who wished to decorate the adieu of a hero, who had covered her with laurels. It was the idle pageantry of folly, it was the fantastical applause of grateful pleasure."

How different were the sentiments of Sir Augustus Elliott, the noble defender of Gibraltar, from those of Sir William Howe. Having defended the rock during the whole of the war, with great valour, courage and bravery, baffled his country's enemies and supported the glory of Britain; upon leaving the garrison the officers expressed an inclination of giving him a grand entertainment as a mark of their high opinion of his eminent services. He was waited upon by an officer of high rank, who communicated the sentiment of his brethren, and begged to know what would be most agreeable. "Anything," replied the old veteran, "but a *Mischianza*. "The ladies, no doubt, would wish for a ball. But we have had enough of them. "And enough is as good as a feast. Present my most respectful thanks to my brave friends, and tell them my only wish is to march out of this garrison with the honours of war. I shall then ground my arms and retire in triumph." Vide the British Journal, 12th November, 1785.

the success of which the honour, the dignity, and almost the being of Great Britain depended) to a General, a well-known enemy to the American War, the partisan of a faction, a tool to, and under the immediate influence of, the leaders of the opposition. Yet so it was. Unhappily for America, unhappily for Great Britain, he had the command for three years. His army consisted sometimes of 50,000 men, never less than 30,000; a fleet of nearly 50 sail, men-of-war, galleys, and armed ships under the command of his brother, was ready to co-operate, and yet nothing was done.

As this Mischianza was contrived, performed, and acted, in order to perpetuate and hand down to posterity, the valour, the conduct, the victories and noble actions achieved by the two brothers while commanders in America; as also their able negotiations as commissioners for restoring peace to the colonies; a review shall be now taken of the whole, and the public left to judge how deserving the two brothers were of this triumphal raree show, a raree show laughed at by one-half the army, ridiculed by the inhabitants, damned by the loyalists, and made a mockery of, by the rebels. To begin then. General Howe arrived at Boston in the Spring of 1775. In July he commanded the attack upon Bunker's Hill, where, by his mismanagement, imprudence, and ill conduct, he sacrificed a little army of veterans. Though he succeeded in the attempt, he lost at least 1,000 men and 100 brave officers, and in return killed, wounded, and made prisoners of about 150 half armed militia, commanded by a Boston physician, and got the possession of a hill upon which the rebels in the course of about 12 hours dug a few holes to cover themselves against a cannonade from


Boston. In the fall of 1775, he was appointed to the chief command in America. He was still at Boston, had an army of more than 9,000 effectives, besides sailors, marines, and native loyalists. He continued perfectly still, (nothing seemed to engross his attention but the faro table, the play house, the dancing assembly, and Mrs. Loring) and permitted the rebels (though a work of some months) to collect such a body of men about the town, and to fortify every hill in its neighbourhood, that an attempt to dislodge them was looked upon as a dangerous expedient. His quarters became amazingly confined. The army was intensely cooped up in the town. No fresh provisions were to be had. Fuel was with the utmost difficulty procured. No forage could be got. The enemy (though at this time a half-armed, and half-clothed militia) every day grew more and more numerous. Dorchester point, within gunshot of Boston, was possessed by the rebels and made amazingly strong. Thus circumstanced, the General gave up all thought of keeping the place. He therefore embarked his army with such of the loyalists as were afraid to stay behind, destroyed a great quantity of useful and necessary stores, left behind him a large train of battering cannon very little damaged, and all the horses belonging to the two regiments of dragoons. And permitting his favourites to take as much plunder (the property of the inhabitants) as the shortness of the time would admit of getting on board, he on the 17th of March, 1776, left Boston and sailed for Halifax, where he arrived after a short passage without any loss whatever. No men-of-war were left in Boston Bay to prevent transports, store ships, or merchantmen, not knowing of the evacuation, from entering the port and being captured. The conse-

quence of which was, that several transports with troops on board, and a number of merchantmen with provisions of every kind, and bound to Boston, for the use of the British army, sailed boldly into the harbour and were taken by the rebels. This was a heavy loss to the British army, to the nation, and to a number of individuals. A few men-of-war stationed in Nantasket Roads would have prevented the whole. In June, 1776, the General embarked his army at Halifax, consisting of about 12,000 effectives; and on the 30th landed them in good health and high spirits upon Staten Island, in the province of New York, which the rebels abandoned upon the appearance of the fleet. Upon this island he remained until the 22nd of August following. In the meantime the rebels collected all their force, even their militia, from Connecticut, New York, Rhode Island, New Jersey, Pennsylvania, the lower counties on Delaware, Maryland, and Virginia, and stationed the whole at Kingsbridge, adjoining the island of New York, along the Jersey shore contiguous to Staten Island, in the city of New York, and upon the westernmost part of Long Island, where they had been most industriously at work in fortifying, from the arrival of the British army until this time. While the army lay at Staten Island, General Howe attempted to enter into a treaty with Washington about an amicable accommodation between the two countries. It was refused by the latter unless the validity of his commission under Congress was admitted by directing his letters to "General Washington," instead of "George Washington, Esq." After a little altercation this point was given up, and of course the commission under Congress allowed as valid, the rebel army a loyal and a constitutional one, the States independent of Britain

and the Congress sovereign of these States. This point gained, Washington told General Howe's messenger that he himself had no power to treat, that he was commissioned to command the army of the States only, and had nothing to do with treating or negotiating. That if General Howe wanted to treat, or negotiate, he must apply to Congress under whom he acted, and who were vested with all the powers of the States, as to war, peace, treaties, and negotiations. Here the matter rested. No man was ever more completely humbugged in this affair than General Howe was by the rebel chief.

Lord Howe, in the *Eagle* of 60 guns, joined the General at Staten Island and took the command of the navy in America. By the middle of August, General Howe had received all his expected reinforcements. The rebels had done the same. The royal army consisted of about 40,000 veteran troops, well fed, well clothed, well armed, and well paid ; with a thundering train of artillery, in high spirits, and wishing for nothing more than a fair battle with rebellion. A considerable body of loyalists had also joined them, and Queens County upon Long Island, with at least 1,000 militia, stood ready to receive them with open arms. A fleet, of at least 30 men-of-war and armed ships under Lord Howe, attended this formidable armament. The rebel army, at this time in the environs of New York, consisted of about 50,000 men badly armed, badly clothed, without discipline, scarcely an officer of experience among them, and a most infamous train of artillery most injudiciously managed. On the 22d of August the whole British army (a sufficient guard to protect the stores and hospitals upon Staten Island, excepted) embarked in flat bottomed boats, and landed


at Gravesend Bay, in Kings County, upon Long Island, without the loss of a man. The rebels upon information of this, poured their whole force also upon Long Island, (a few for the protection of New York excepted). Washington and all their principal Generals attended. On the 27th the two armies met. An action instantly took place, and was almost as instantaneously decided. The rebels were totally defeated, and before 12 o'clock the British had killed and taken prisoners about 4,000 rebels, among whom were 3 Generals, a number of other field officers, with captains and subalterns in abundance. The enemy fled within their lines (such as they were). To the surprise of the world this victory was never pursued. The General ordered his army to encamp in front of the rebel lines, "enough," exclaimed he, "is done for one day." In the night the rebels abandoned their lines and passed over to New York. Of this the General was not apprised till the morning, when not a rebel was to be found, seen, or heard of, upon Long Island. Upon this island the General rested himself and his army for three weeks. In the mean time, the rebels recovered from their panic. After this battle, Lord Howe, one of the Commissioners for restoring peace &c., attempted a negotiation with Congress, upon the subject of an accommodation; to obtain which he gave one Sullivan, a rebel general taken in the late action, permission to go to Philadelphia with proposals of such a nature. Congress appeared very averse to the proposal; but the populace in that city grew not only clamorous, but rather outrageous, and insisted upon a treaty. To the clamour of the people, Congress was obliged to submit. Their authority was derived from the mob, and the motto of the Congression-



al Arms was, "*Vox populi, Vox Dei.*" A committee was accordingly appointed. The intent was to satisfy the people, as for a peace, a truce, or an accommodation, unless upon their own terms, they had not the least thought. A committee of five were appointed to meet his Lordship. The old, arch rebel Franklin, was at their head. Billop's farm upon Staten Island was the place fixed upon for the interview. Lord Howe and the rebel Commissioners accordingly met. The latter refused to treat, unless Lord Howe would explicitly acknowledge the independence of the States, as they insisted the General had done, in his correspondence with Washington. The treaty accordingly came to nothing. His Lordship not choosing to be as complaisant to rebels as the General had been, Lord Howe returned to his ship, the rebel commissioners to Philadelphia, where they found means to pacify the mob, by making them believe that the British Commissioners were vested with no one power but that of granting pardons to such Americans as should acknowledge themselves rebels, and chose to accept of them. Here ended the second and last negotiation attempted by the brothers Howe, while they remained the sole Commissioners in America for restoring peace to the colonies. On the 15th of September, after spending three weeks upon Long Island, General Howe embarked his army at Newtown, crossed the East river, and landed upon York Island without opposition or the loss of a man, defeated some parties which were fallen in with contiguous to the place of landing, proceeded to, and took possession of, the high grounds of Inculenbergh. Upon these heights he halted, and saw the rebel forces march out of New York, with their most valuable stores and baggage, without giving



them the least interruption, though he might have destroyed the whole with the utmost ease. In the evening he took possession of the city, the rebels having evacuated it upon his landing. This was the 15th of September. The General stayed in New York until the 12th of October, (a whole month). The army was then embarked, sailed up the East river and landed upon Throgs Neck, in the county of Westchester, about 16 miles from New York. Here 5 days were spent in doing nothing, stealing horses, and plundering the inhabitants, excepted. He now embarked the army again, having found Throgs Neck to be almost an island, proceeded a little further along the Sound, and landed upon Pell's Neck, without opposition or the loss of a man, marched up to the White Plains where Washington with the rebel army was encamped, and took such judicious positions that he had the whole rebel army, nay rebellion itself, at his absolute disposal. Notwithstanding which, the rebels, after a party of them were driven from a height, were suffered to decamp, and march off, with all their baggage, stores, and provisions, without even a pursuit. The rebels having fled from the White Plains, General Howe returned to York Island. Knyphausen, with the Germans, attacked Fort Washington (the only place the rebels had upon the island) and took it. The garrison, consisting of 3,000 men, surrendered themselves at discretion. The Commander of Fort Lee, on the opposite shore of the Hudson river, finding an attack intended upon his garrison, abandoned it, and retired to Hackensack, where he was joined by Washington, and the dregs of his late army, at this time reduced to a mere nullity. They precipitately pushed through Jersey on their way to Philadelphia,



Lord Cornwallis with a part of the British army in full pursuit. Unluckily his Lordship's orders were to proceed no further than New Brunswick, otherwise Washington and his army would have been no more. Cornwallis in consequence of his orders from General Howe, stopped at Brunswick. The rebels finding the pursuit at an end, halted at Princeton, about twelve miles further on. From New York General Howe, instead of employing his whole force against Washington and his army, sent 10,000 men to attack Rhode Island. This done, he went to Brunswick, took the command of the army and gave chase to the rebels. He now had it once more in his power to have destroyed the whole rebel army before they could have passed the Delaware, had he so pleased. But the suppression of the rebellion seems to have been no part of the General's plan ; he therefore coolly, contentedly, and deliberately pursued, or rather, at a respectable distance followed, the remains of a broken and dispirited army of rebellious subjects, sick of the cause, with a victorious, a high spirited, and a loyal army consisting of four times the number of the militia they were in pursuit of, to the very banks of the Delaware ; and though the pursuit was as slow as the General could possibly make it, he reached the eastern bank of the river in time to see the rebel army land upon the western shore. They proceeded on for Philadelphia with the utmost dispatch. To the surprise of the British army, of New Jersey, of Pennsylvania, and in short, of the whole continent, the General here gave over the pursuit,<sup>1</sup> cantoned his troops in Jersey, and returned to

<sup>1</sup> Harvey in his *Naval History* says, that Washington's army in the summer of 1776 consisted of at least 60,000 men ; that when they passed the Delaware the December following they scarcely amounted to 5,000.

New York. At Trenton, upon the banks of the Delaware, he quartered Hessians under the command of a drunken Colonel. No redoubts were made, houses fortified, or works built, to secure them in case of an attack. This neglect occasioned the unhappy affair at Trenton, already related, which gave a turn to the war. The General, after spending the winter in New York in luxury and dissipation, in June 1777, entered Jersey with at least 30,000 men, looked at Washington who had about 10,000, abandoned Jersey, left the loyalists to shift for themselves, returned to Staten Island, embarked his army, put to sea, sailed up the Chesapeake, and landed at the head of Elk. From hence they marched for Philadelphia. Washington with the whole rebel army met him at Brandywine, an action took place, the rebels were totally defeated, lost their cannon, their baggage, and their stores, with a number of men, with a trifling loss to the British. Here again no pursuit was made. The General rested his army three days, then marched on, and triumphantly entered the unfortified city of Philadelphia. When in possession, so bad was the lookout there, that a part of the army quartered at Germantown was fairly surprised and put to the rout. The General continued in Philadelphia during the winter, absorbed in luxury and dissipation, with at least 25,000 men, cooped up by Washington with about 10,000, of which one half at least were militia.

Thus far as to the General. Now for his Lordship, the Admiral. He arrived at Staten Island, in July 1776. On the 27th of August, the day of the battle of Brooklyn, he sent four ships to cannonade the rebel works upon Nutten Island, which they did at the distance of two miles, never hurt a man, and were called off in the

afternoon. He condemned the war, damned the Prohibitory Act, and cursed Lord North. Yet he never made an objection to the receipt of the produce of every prize taken and condemned, though captured in consequence of that damnable act called "The Prohibitory Act." In order to open the Delaware he was obliged to attack Mud Island; here he lost the *Augusta* of 60 guns, and two frigates, the *Merlin* and *Porcupine*. The island being reduced, his Lordship went up to Philadelphia. Late in the fall, he went and wintered with the large ships at Rhode Island, and in the spring returned to Philadelphia. The public now have a faithful, true, and impartial relation of all the transactions, operations, manœuvres, victories, negotiations, and warlike achievements, performed by the two brothers during their respective commands in America up to this time; to perpetuate which, that ridiculous farce, the *Mischianza*, was contrived and acted. It is really surprising that men of sense could be regaled with such nonsense. Yet it seems to have given great satisfaction to the brothers. They were delighted at the parade. It tickled their vanity. It pleased their ambition. The exhibition of this triumphal *Mischianza* will be handed down to posterity, in the annals of Great Britain and America, as one of the most ridiculous, undeserved, and unmerited, triumphs ever yet performed. Had the General been properly rewarded for his conduct while Commander-in-Chief in America, an execution, and not a *Mischianza*, would have been the consequence. Caligula the Roman Emperor demanded and had, a triumph for some cockle shells which he employed his army in picking up upon the coasts of the German Sea. Whenever I read the account of the *Mischianza*, it puts me in mind of Caligula's triumph.

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## CHAPTER XII.

SIR WILLIAM HOWE being recalled and the *Mischianza* farce performed, he sailed the latter end of May, 1778, for England, and General Clinton took the command of the royal army in America ; and immediately the necessary steps, in consequence of his orders from Britain, were taken for the evacuation of Philadelphia. The inhabitants who thought it advisable to leave that city, embarked with their movable property on board the transports. The artillery, stores, baggage, and provisions, not wanted for the army, were also embarked. This done, Sir Henry crossed the Delaware with his whole army, nearly 30,000 effective men, and entered New Jersey on his way by land to New York. This being effected, Lord Howe with the men-of-war, armed ships, transports, and merchantmen, also left Philadelphia and sailed for New York. No injury was done to the city, and all the forts, batteries, redoubts, barracks, and stables, which had been built by the British, were left in complete repair. They might have been destroyed. Of this, however, the General was the proper judge. They were of great service to the rebels in the end. The General proceeded in his march with caution ; the number of

wagons employed to carry the baggage, stores, and provisions, were amazing; the wagons only, in the line of march, extended 12 miles in length. The movements were of course slow. The rebels had taken care to break down all the bridges, blow up the causeways, and fill up the wells, in the route which it was supposed the British army would take. This put them to great difficulties. Washington, as soon as he found the evacuation had taken place, followed with his whole army, consisting of about 10,000 Continentals, and perhaps as many militia. The British left Philadelphia the 6th of June. The march was so slow, that it did not arrive at Sandy Hook till the last of the month, the distance about 70 miles. The weather was excessively hot. The number of wagons was a prodigious incumbrance. The rebels attacked the rear of the British whenever an opportunity offered. This happened at several different times, and though they were always repulsed with loss, and the British army arrived safe at Sandy Hook without the loss of a wagon, yet from the intense heat, different skirmishes, and desertion, it consisted upon its arrival at the Hook, of at least 1,500 men less, than it contained when it left Philadelphia. Sir Henry found Lord Howe with the whole fleet at anchor within the Hook, where he arrived the day before.<sup>1</sup> The army, baggage, stores, provisions, artillery, wagons, horses, and forage, were embarked and sent up to New York. The army went into quarters, some upon York Island, some upon Staten Island, and a great

<sup>1</sup> Gordon says that no ships were left at the mouth of the Delaware to give notice to vessels inward bound of the evacuation. In consequence of which a fleet of victuallers from Ireland entered the river, and had proceeded within 50 miles of Philadelphia before they heard of its evacuation. Had they been captured, the loss to the British must have been attended with the worst of consequences, and been of amazing service to the rebels.

number upon Long Island, where 1,200 horses were billeted upon the farmers, who were compelled to pasture these horses, and entertain their conductors, and drivers, during the remainder of the season, for which the Quarter-masters never paid a farthing, nor gave a certificate. This was the method which the army constantly took to conciliate the affections of his majesty's deluded subjects, and by such *lenient means* prevail upon them to return to their allegiance. It is rather surprising that Sir Henry Clinton (unless his orders were positive) should have undertaken such a march with such a quantity of baggage, provisions, stores, and wagons in the most sultry season of the year,<sup>1</sup> when he might have embarked the whole at Philadelphia, and gone to New York by water. Had he done this, the 1,500 men would have been saved, and the army landed at New York fresh, and fit for duty, instead of being harassed, fatigued, and fairly worn down by the tedious, sultry, and hazardous march through New Jersey. But, as it has been before mentioned, a kind of fatality attended the conduct of the British Generals during the whole course of the American war.

Early in the spring of 1778 a remarkable manœuvre took place. Upon the submission of Long Island to General Howe, in 1776, he appointed Oliver De Lancey, a Brigadier-General, with orders to raise three battalions of 500 men each for the defence of the Island. That this body of men were to remain upon the Island for its defence during the war, and to be employed upon no other service, was the prevailing opinion of

<sup>1</sup> Fifty Grenadiers were found dead under a large tree, without a wound upon either. This was, no doubt, occasioned by drinking cold water, when very hot. A thing very common in America.

the inhabitants, of the soldiers, and perhaps of more than nine-tenths of the officers. To raise this corps large sums were contributed by the Brigadier-General, and monies were also contributed by the inhabitants of every town upon the island. Some thousands upon this occasion were generously given. Sons of many reputable farmers, as well as a number of respectable freeholders enlisted. It was for the good of the cause. It was for the defence and protection of the Island. One of the battalions consisted, from the colonel down to the lowest subaltern, with the non-commissioned officers and privates, solely of natives, or inhabitants of Queens County.<sup>1</sup> In making out the commissions given by Howe for this corps, after the words "for the defence of Long Island," were artfully added, "and other exigencies." The battalions were soon raised. The General was Colonel of the first, his son-in-law, John Harris Cruger, Esq., one of his majesty's council for the province of New York, was his Lieut.-Colonel; George Brewerton, Esq., an alderman of the city (who had served in the provincial service during the whole of the preceding war, and, though quite a young man, commanded a New York provincial regiment at the siege of the Havannah, and for his spirited conduct received the thanks of Lord Albemarle upon several occasions), was Colonel of the second; his Lieutenant-Colonel, was Stephen De Lancey, Esq., the eldest son of the Brigadier. Gabriel Ludlow, an inhabitant of Queens County, had the third, and Richard Hulet, a native of the same County, was his Lieutenant-Colonel. In the winter of 1776-7, these battalions were stationed, one at Oyster Bay, one at

<sup>1</sup> The third battalion, commissioned by Colonel Gabriel Ludlow.



Huntington, and one at Brookhaven, three considerable towns upon the north side of the island, adjoining the sound. While thus situated, the island remained in a perfect state of tranquillity as to any attacks or depredations from its neighbours, the New England rebels. In 1777, the first and second battalions were ordered from Long Island to Kingsbridge, in the County of Westchester. This occasioned some clamouring; however, the first being soon ordered back, with directions to take post and build a fort at Huntington, while the third did the same at Brookhaven, all murmuring ceased. The second battalion continued at Kingsbridge. The inhabitants of Oyster Bay, the northern frontier of Queens County, consisting of hearty loyalists, and being embodied as a militia, were thought sufficient to defend themselves against the attempts of their opposite neighbours. The forts being built at Huntington and Brookhaven, Lieutenant-Colonel Cruger had the command of the former, Hulet of the latter. Both of them well esteemed upon the island, resolute, bold, and intrepid; zealous loyalists from principle, and had both been sufferers in the cause of their sovereign. In their respective commands they were alert, active, and vigilant. The consequence of which, was perfect security, peace, and safety, to the whole Island. In the spring of 1778, (nobody, the then Commander-in-Chief at New York<sup>1</sup> excepted, knows for what) the forts at Huntington and Brookhaven were ordered to be destroyed; the stores, provisions, and artillery brought away, and the troops to march and encamp at a place called the Head of the Vly, near Newtown, about six

<sup>1</sup> General Robertson.

miles from New York. This step was alarming to all the loyalists to the eastward of Jamaica. It was no wonder. The consequences were soon felt with a vengeance. The New England men immediately fitted out small privateers, with which they infested the northern coast of the island, and captured the trading boats, wood boats, and other craft; landed and plundered the tories, of their cattle, horses, hogs, sheep, negroes, money, plate, provisions, and household furniture; made them prisoners, carried them into captivity, and detained them, some in jail, and others upon parole until exchanged. Thus was the greatest part of Long Island abandoned, and his majesty's loyal subjects thereon, left entirely at the mercy of rebellion, though they had largely contributed to the raising of De Lancey's brigade, upon a supposition that it was solely intended for the defence of the Island. In consequence of the words in the officer's commissions "and other exigencies," General Clinton, in the fall of 1778, sent the first and second battalions with General Campbell to Georgia, where they behaved with credit, reputation, honour, and courage;<sup>1</sup> were in all the actions, sieges, and attacks, in the Southern Colonies, from that period until the evacuation of South Carolina and Georgia, in consequence of Lord Shel-

<sup>1</sup> Lieutenant-Colonel Cruger, who commanded the second battalion, signalized himself at the battle of the Savannah, upon the first landing of the troops in Georgia in 1778; his behaviour was conspicuous at the siege of the Savannah by D'Estaing, in 1779, where he commanded one of the batteries, and repulsed the enemy in three several attacks. He signalized himself at the siege of Charlestown, in 1780. His conduct was highly commended in the action near Camden, where Gates met with a total defeat. Nothing could be more brilliant than his spirit and resolution in the defence of Fort '96, where he commanded, and if any thing could add to the heroism of this amiable and loyal New Yorker, it is the active, spirited and judicious part he acted in the battle at the Etways, or Eutaw, in 1781, where his bravery, coolness, resolution, judgment, and steadiness turned the fortune of the day in favour of the British, when the jilt was upon the point of abandoning them.

burne's patched up peace, when they returned to New York, and have been since disbanded in Nova Scotia. The third battalion was stationed at Lloyd's Neck, to cover the wood cutters for the British army, where they remained until the evacuation of New York, when they also went to, and were disbanded in, Nova Scotia.

To enumerate the number of loyalists who were plundered, carried away, and imprisoned, (in consequence of abandoning the island to the eastward of Jamaica), would be almost impossible, the numbers were so great, and the transactions so frequent. Let it suffice only to mention, that Judge Ludlow and Colonel Ludlow, within four miles of Jamaica, had their houses broken open and plundered. The Judge made his escape. The Colonel was luckily with his battalion at Lloyd's Neck. Their wives were abused, ill-treated, insulted, called damned tories, and even beaten. Captain Wooley, of the militia, about three miles from Jamaica, had his house broken open, was robbed of £700 in cash, the furniture of his house, of several slaves, and was carried a prisoner into Connecticut. Richard Townsend, Esq., was robbed of a large store of goods, and carried a prisoner into New England. Thomas Smith, Esq., of Oyster Bay, had his house three times broken open and plundered. Judge Jones had his house broken open, completely plundered, and himself carried into Connecticut, *though at the very time a prisoner upon parole*. John Townsend, Esq., of Oyster Bay, was served in the same manner, with this addition, they almost destroyed his house, a genteel mansion. William Nicoll, Esq., was twice plundered; Colonel Richard Floyd three times, and his cattle, sheep, and several of his slaves carried off. Colonel Benjamin Floyd was plundered and car-

ried to Connecticut, *released upon his parole, and while living, as he thought, in safety, in consequence of such parole*, had his house broken open in the dead of night by a party from New England, who took away his furniture, and robbed him of £1,000 in cash. Mr. Seaton, an Englishman, was plundered by the same party. They took away his furniture, and stripped his wife, and three daughters, of the very clothes upon their backs. John Hulett, Esq., of Oyster Bay, had his house broken open, plundered, and himself carried to Poughkeepsie, in the province of New York, lodged in a jail, and closely confined for five months. Major Parker, and Major Hudson, were both plundered and carried prisoners into Connecticut. Let these few instances suffice, thousands might be produced. In a word, depredations were daily committed upon the loyalists, from Jamaica to the east end of the island, a distance of at least 120 miles, without any interruption, for want of a small body of troops for its protection.

Other ill consequences, owing to the taking away the protection of the greatest part of Long Island, must be now mentioned. Upon the reduction of Long Island and New York in 1776, a most beneficial trade for the inhabitants in New York, and for the army and navy, was opened in the bay on the south side of Long Island. Not less than 150 pettyaugers, schooners, and small sloops, were employed in this business. They went about 80 miles down the island, and returned weekly to New York loaded with shell fish of every kind, wild fowl of all sorts, and in winter with large quantities of fish, with which the New York markets were plentifully supplied. They used also to carry such merchandize as was suitable to the country peo-

ple, which they bartered away, for hogs, lambs, calves, hams, smoked beef, cheese, butter, and poultry of all kinds. They also purchased large quantities of plank, boards, and shingles. All were carried to, and disposed of at, New York. This trade was greatly advantageous to the inhabitants, the army, navy, and transports, then in New York. It met with no interruption until the spring of 1778, when the troops raised for the protection of the Island being withdrawn to the neighbourhood of New York, the rebels in Connecticut fitted out a number of whale boats commissioned as privateers; each had a captain, a lieutenant, and from 12 to 24 men, armed with muskets, pistols, and also a swivel gun, which, being removable, served either in a pursuit or retreat. With these boats they crossed the Sound, and landed at a place called "The Canoe Place," where the island is not more than a quarter of a mile broad. Over this carrying place they drew their whale boats, and launching them into the South Bay, they proceeded to the westward, and took every boat which fell in their way, sent them round Montauk Point to New London, where they were libelled and condemned. By this means a trade of the utmost consequence to New York, the army, and navy, was in a great measure destroyed. An application was made by some gentlemen upon Long Island to Admiral Lord Howe for a couple of row-galleys for the protection of a trade, at that time so very useful and beneficial, which by taking their stations a little to the west of the Canoe Place, would have effectually answered the purpose, and the trade been perfectly secure. But contrary to their expectations, the Admiral told them "he had no galleys to spare, and they might protect their own trade themselves, and be damned." The number of rebel

whale boats that were daily in the bay, the Admiral refusing a guard, and the king's ships frequently pressing the boatmen as they entered the Narrows, entirely broke up a trade of the utmost consequence at that period to the inhabitants of New York, the army, navy, transports, and merchantmen. The rebels having nothing to fear, sailed down the bay as far as Rockaway, within 15 miles of the city, and destroyed all the wood boats, hay boats, coasters, canoes, and floats, belonging to the inhabitants on the south side of the island. They frequently landed, robbed the inhabitants of their furniture, linen, wearing apparel, money, negroes, rum, wine, sugar, and salt; killed their cattle, hogs, sheep, and poultry; and burnt their hay, their oats, wheat, rye, and Indian corn. The loyal inhabitants complained, but without effect. Two galleys were all that was wanted, or asked for. The answer was always the same, "defend yourselves, you have a militia." That the militia was embodied is most certain, but two whale boats might plunder a house of all its effects, destroy all the cattle, hay, and corn upon the farm, and before a sufficient number of men could be collected together to oppose them, be at the distance of 20, 30, or even 40, miles. Besides, all the militia upon the island could not have guarded an extensive coast of 100 miles in length with more than 100 little rivers emptying themselves into the South Bay, all of them navigable for whale boats from half flood to half ebb, at least. Two galleys would have most effectually answered the purpose. But they were not to be had. Galleys could go to the Delaware, to the Chesapeake, and along the coast, and take prizes, to the one-eighth of the proceeds of each of which the Admiral was entitled.

It has been already mentioned that the coasters and loyal inhabitants upon the north side of the island, upon De Lancey's battalions being withdrawn, shared the same fate with those of the south. The vessels belonging to every town or port adjoining the Sound, were either taken or destroyed, and their trade with New York ruined. A few cutters, by constantly cruising up and down the Sound, would have prevented the whole, but nothing of the kind could be obtained, after a number of pressing applications. General Howe had nothing to do with it, and Admiral Howe chose to keep his cutters at sea.

Early in the year 1778, France acknowledged the independency of the American revolted Colonies, and entered into a treaty of commerce and alliance with them. In the month of May Silas Deane (prior to the troubles a school master at Weathersfield, in Connecticut, a rigid presbyterian, a warm republican, had been a member of the two first Congresses, and for some time Congressional resident at Paris,) arrived at Philadelphia with the treaty signed. He was accommodated with a French frigate. This was matter of great joy and exultation to rebellion, and accordingly received with the utmost pleasure. The grand monarch upon this occasion was *honoured* with an additional title, to wit, "The great and good Ally of the "American States." Ambassadors were now sent by Congress to all the powers of Europe (Britain excepted), and received by none, except "their great and "good Ally the French King."

About the middle of June, the Compte D'Estaing <sup>1</sup>

<sup>1</sup> The Compte was a proper person to be entrusted with such a command, a command for the defence and protection of revolted subjects. Having no honour of his own, he was a proper protector for rebels. No gentleman of mind and

arrived from Toulon upon the coast of Virginia, as commander of a French fleet, consisting of 12 sail of the line and 3 frigates, with a large body of land forces on board. In this fleet the king of France sent a Plenipotentiary to the rebel Congress, one Monsieur Gerard, a town-clerk of Strasburgh. He also wrote a letter to his new friends and allies, and the letter is directed thus: "To our very dear, great friends, the "President and Members of the General Congress of "North America." Thus did the grand monarch ally himself with, countenance, and flatter a set of the most ungrateful rebels the world ever produced. About the middle of July D'Estaing arrived upon the coast of New York, and anchored off Sandy Hook. Had he been a month sooner, or had he fallen in with the latter coast on his arrival, instead of that of Virginia,

strict honour would have engaged in so unjustifiable an expedition as the Compte was now engaged in. There was no war between Great Britain and France, and yet the Compte, to serve the purposes of rebellion, committed piracy upon the high seas, upon the subjects of a monarch in alliance, and strict amity, with his own. This same Compte, in 1748, was taken prisoner in the East Indies, and allowed his parole. This he broke, and commanded an expedition against an English settlement in that country. Admiral Boscawen was then Commander-in-Chief in India, and often said, if ever he got the villain in his power again, he would chain him upon his quarter-deck, and treat him like a baboon. So much for the honour and character of the Compte D'Estaing. When the Duke of Bedford was at Paris, in the public capacity of Ambassador Plenipotentiary, treating of the Peace before the last, the French minister had prepared a splendid entertainment, to which the first personages in Paris, and all the foreign ministers were invited. Among the rest, the Duke of Bedford. The Duke being engaged in conversation, previous to the company sitting down to table, observed Compte D'Estaing enter the room, upon which he ordered his carriage to the door. The French Minister was astonished, and begged his grace would inform him whether he had taken offence at any thing in his house? The Duke, with some emotion, said, "He never sat in company with a man who had forfeited his honour." The French minister looking round the room, seeing D'Estaing, instantly understood who the Duke alluded to, whispered a gentleman near him to go to D'Estaing to inform him that his company was not agreeable, the Compte retired with no small confusion. The Duke countermanded the order for his carriage, and partook of the entertainment.



the consequence to the British fleet and army, then returning from Philadelphia to New York, must have been dreadful ; but making Virginia at first, and sailing slowly on to the northward, before he arrived off the Hook the whole fleet of transports had entered the harbour of New York. The British fleet under Lord Howe was moored within the Hook, and the army under General Clinton were landed, and quartered upon Staten Island, York Island, and Long Island. This was not completed more than 12 days before D'Estaing's arrival off the Hook. An attack upon New York was now expected. The French fleet was greatly superior to the English. It consisted of a 90 gun ship, an 80, six 74's, four of 64, besides three large frigates, and a body of land forces on board. Lord Howe's fleet consisted of only six ships of 64 guns, three of 50, two of 40, with some frigates and sloops. D'Estaing captured every vessel that was bound to New York. Lord Howe was in possession of the Hook, and took every necessary step to repel the enemy should an entrance be attempted. Batteries, redoubts, and other fortifications were erected on the shore, and garrisoned by skilful artillery-men. The ships were put into a proper and most judicious position.

They were well manned by experienced sailors, a number of them volunteers from the transports in New York. The whole body of the light infantry, and all the grenadiers, belonging to the British army were, at their own request, permitted to serve on board the British fleet. These were headed by some of the first blood in England. Among others, we find the names of the young Duke of Ancaster, of the Earl of Cathcart, and Lord Rawdon. Towards the end of July, D'Estaing's fleet weighed anchor, and as everybody

then supposed, with an intention to attack Lord Howe, and if successful, then New York, the capture of which would have terminated the American War. The wind was fair, the tide high, consequently favourable for passing the bar. D'Estaing, however, instead of attempting the Hook, stood out to sea, and was soon out of sight. Soon after this, Lord Howe was joined by a 50 gun ship from the West Indies, a 64 and a 50 from Halifax, and a 74 from England. They all arrived singly, and had D'Estaing continued off Sandy Hook, each must have been taken. Lord Howe was now superior in number of ships to the French. The latter, however, superior in weight of metal and largeness of ships. Each fleet was equally well manned. The French having failed in the grand object of their expedition, "the reduction of New York, the destruction of the navy there, and the capture of the British army," an attack upon Rhode Island became the favourite plan. D'Estaing with his fleet was to make an attack by sea, while General Sullivan with 10,000 men was to attempt the place by land. This occasioned the removal of the French fleet from the coast of New York. D'Estaing soon arrived at Rhode Island, and either entered, or blocked up, all the inlets, channels, and communications, leading to every part upon the island. Sullivan landed with his army upon the island. Sir Robert Pigot, a brave old General, was Commander of the British troops upon the island, and he took every necessary step, and used every precaution for making a most resolute and vigorous defence. It was on the 8th of August when Sullivan landed. The same day D'Estaing entered the harbour of Newport, and was welcomed with an incessant and formidable fire from the forts, batteries, and works erected for its

protection. Four frigates which lay in the harbour were burnt, and one sunk, to prevent their falling into the hands of the French. On the 9th of August, Lord Howe with the British fleet appeared in sight. On the 10th the French fleet left Newport and stood to sea. Lord Howe did the same, and each Admiral with great skill contended for the weather-gauge. The manœuvring for this object prevented an engagement on that day. The wind on the following day proving adverse to the designs of the British Admiral, he determined to make the best of the matter and to engage the enemy at all events. He accordingly formed his line, his five ships were prepared, all was in readiness. The French did the same, and had the wind of the English. At this instant a strong gale of wind came on, which soon increased to a most violent storm, and continuing for more than two days, not only put an end to the expected engagement, but so completely separated and dispersed the two fleets, that when the storm abated scarcely two of either fleet were in company. The wind was east, and each fleet was carried rapidly to the west. When the storm ceased, the two fleets found themselves dispersed all along the coasts of New York, New Jersey, the capes of Delaware, and some of the French, as far to the southward as the capes of Virginia. Both fleets suffered considerably in their masts, yards, and rigging. The British fleet repaired at Sandy Hook. The French in the Delaware. The French sailed first, and went to Rhode Island. Sullivan was still there carrying on the siege against Newport, the capital of the island. Upon the arrival of D'Estaing, Sullivan pressed for a co-operation. But whether the French fleet was still in so crazy a condition as to want a thorough repair, or apprehen-

sive of the speedy arrival of the British fleet, he excused himself, and sailed for Boston, leaving Sullivan and his army to themselves. The leaving of Rhode Island was lucky for the Count. Lord Howe had sailed for Rhode Island, his fleet in complete repair, and a continuance of two days longer would, in all probability, have been fatal to the French fleet. His Lordship getting intelligence that D'Estaign had left Rhode Island and sailed to the eastward, pushed for Boston Bay, hoping to arrive there before the French. But when he entered the bay he found the Compte at anchor in Nantasket roads, and in such a situation as rendered an attack upon his fleet impracticable. He therefore left the bay, returned to New York, delivered the fleet up to Admiral Gambier, and sailed for England. Here ended his Lordship's command in America.

Sullivan, upon D'Estaign leaving Rhode Island, immediately took the necessary steps to raise the siege and secure his retreat. No sooner had he begun his march than the troops from the garrison pursued, and at every opportunity that offered, attacked him with vigour, but (notwithstanding the loss of a number of men in killed, wounded, and prisoners) he made his retreat good, and crossed to the main without the least loss in stores, baggage, or artillery. His retreat gained him honour. The British allow it was well conducted, admirable, and scarcely to be equalled by the most experienced military character. This retreat was however made in good time, for scarcely had Sullivan got footing on the main, than General Clinton arrived from New York with such a body of troops as would most effectually have prevented his leaving the island. The consequence would, and must, have been the cap-

ture of his army, the loss of his stores, his baggage, provisions, and artillery. In a word, Sullivan was born under a lucky planet.

General Clinton, finding nothing to be done, returned to New York, but dispatched General Grey with about 4,000 men, under the convoy of some frigates, to the eastward, to exterminate the nests of some rebel privateers, which abounded in the harbours, rivers, and creeks about Buzzard's Bay, in the old colony of Plymouth. This business was effectually performed. At Fairhaven 70 sail of shipping were destroyed, with small craft in abundance. The magazines, wharfs, stores, warehouses, rope-walks, and vessels on the stocks, were all burnt. All the dwelling houses, and holy edifices dedicated to the worship of God, shared the same fate. From Fairhaven the General proceeded to Martha's Vineyard, the Elizabeth Isles, Nantucket, and Block Island, and disarmed the inhabitants (who had never interfered in the contest), laid them under contribution, plundered their houses, and brought with them to New York about 2,000 sheep, 1,000 fat cattle, 1,500 hogs, and nearly 500 horses, exclusive of what was used upon the expedition. The sheep, cattle, and hogs were, at New York, delivered to the Commissaries, killed, and distributed in rations to the army; and though they cost the Commissary nothing, were the plunder of a licentious army, to which (in point of conquest) they belonged, yet he had the conscience to charge the Crown 2 shillings sterling for every pound. He besides sold the heads, skins, and hides, and put the money into his own pocket. The horses were delivered to the Quarter-master, and the Crown charged £20 sterling for each. No wonder that Commissaries, Barrack-masters, and Quarter-

masters made such amazing estates during the American War. Nor is it a wonder that John Bull got tired of this war, not against rebellion, but against the Treasury of Great Britain.

### CHAPTER XIII.

IN the summer of 1778, Mr. John Richards, a native of Barbadoes, but a long resident in New Jersey, where he inherited a genteel estate, situated upon the banks of the Passaic, was foully murdered. He was a steady, noted Loyalist, spoke his mind freely in favour of Great Britain, but never was in arms, or served in any civil capacity. This gentleman, after the conquest of New Jersey, in 1776, and that province became the seat of war, removed to New York, but left his family at home. Hearing that the small-pox had appeared in his family, he determined to pay them a visit. Upon his way he stopped at a public-house. Here were a number of rebels, to one of whom he was well known. This fellow abused him, called him a tory, a villain, a British scoundrel, and demanded his watch. This Richards refused to deliver, upon which the rebel drew a pistol from his pocket, and with great composure shot Richards through the head. He instantly died. The rebels then took his watch, his money, what things he had with him, stripped the body of its clothes, and deliberately marched off. This horrid, cruel, malicious murder was approved of by Governor Livingston. He recommended the murderer to Con-

gress. Congress rewarded him with a Captain's commission.<sup>1</sup>

Not long after the murder of Richards, an officer in Skinner's Corps, and formerly an intimate of the murdered man, got information where the murderer was, with a few men only. With Skinner's leave he passed to Jersey, surprised the rebel party, and in about twelve hours they were all safely lodged in the prevost at New York. General Clinton had never complained of this barbarous and inhuman murder either to Governor Livingston, Washington, or the Congress. He now had the villain in his power. Everybody supposed retaliation would take place. Nothing of the kind. In five days after his imprisonment he had the liberty of the city upon his parole ; in about ten he was exchanged as a prisoner of war. Thus the rebels murdered with impunity, and the British Generals were afraid to retaliate. This was the case the whole war. The British Generals were bullied by the rebels, who acted with spirit and resolution. Whenever they

<sup>1</sup> This was a more cruel and malicious murder than that of Miss McCrea, which happened the preceding year, near Saratoga. The former was committed by Christians, the latter by savages in the heat of passion, violently disputing whose prisoner the lady was. Yet this latter murder was, with every exaggeration that could be thought of, published by order of Congress and dispersed through all Christendom, while the former was publicly rewarded by the same body of men, and the murderer thanked for the horrid act.

Gordon, who cannot be suspected of partiality to the British, gives in his history of the American Revolution, the following account of Miss McCrea's death :

" Mr. Jones, her lover, engaged some Indians to carry her away from the Americans by way of security. He feared for her safety, as her father was a Loyalist, and he an officer in the British army, to whom she was engaged. He promised a barrel of rum as a reward to the person who should bring her safe to him. The two who took her disputed which of them should convey her to Mr. Jones. Each anxious for the reward, one of them, that the other might not receive it, struck his tomahawk into her skull, and killed her upon the spot." This, Gordon says, he had from Mrs. McNeil, who was in company with Miss McCrea when taken by the Indians.



threatened their threats were carried into execution. The British were eternally threatening by their proclamations, yet never carried a single threat into execution; though every account daily brought in from the rebel country was giving a list of murders, imprisonments, and robberies committed upon his Majesty's loyal subjects for refusing to assist, or take up arms, in favour of rebellion.

Upon the evacuation of Philadelphia by the British in 1778, and repossession taken by the rebels, two gentlemen of that city, one by the name of Carlisle, the other by that of Roberts, both Quakers, and long residents in that city, where the whole of their property lay, were apprehended as traitors to the State, committed to jail, and loaded with irons. They were gentlemen of rank, character, and fortune; they were unfortunately Loyalists, attached to their Sovereign and the British Constitution; they had, however, incurred the displeasure of Congress, and were destined as victims to their resentment. A Grand Jury were summoned, the prisoners were indicted, the crime high treason, and that, "in adhering to the enemies of the State." What was the proof? why, they lived in Philadelphia where their estates lay, with their wives and families, while the King's troops had the possession of that city. They had lived there unmolested under Congress from May, 1775, until September, 1777, when the King's troops took possession of that place. They lived unmolested under the British Government as long as the army continued there. They had a temporary protection, a temporary allegiance of course was due. They had enjoyed this before, under Congress, they expected it again upon the evacuation, but were disappointed. They were brought to a trial as

traitors, condemned by a rebel jury, summoned by a rebel sheriff, and ordered for execution by a rebel judge. They both suffered at the gallows, their real crime, "loyalty." They were refused the benefit of counsel. They were insulted by the Bench, and brow-beat by the Attorney-General. The charge was high treason, the overt act, living in Philadelphia while the King's troops had the possession. This the court declared was "an adherence to the enemy," and consequently treason.<sup>1</sup> While this tragedy was acting in Philadelphia the gentlemen from that province who had left it with the army, were not idle in New York on behalf of the prisoners. Repeated applications were made to General Clinton to send to Philadelphia, and acquaint their government that if Carlisle and Roberts were executed, nay, if they were not released, "that a severe retaliation should take place." The Lex Talionis, in all civil wars is, perhaps, though cruel, yet legal, and upon many occasions perfectly justifiable. The Commander-in-Chief refused to exert himself, or to take any step in the business. He went further, he declared that sooner than retaliate, he would resign his commission. This doctrine is inconsistent in civil wars. Civil wars widely differ from wars with natural enemies. Civil wars are generally, on one side or the other, attended with acts of cruelty, and when one side begins, no matter which, the Lex Talionis becomes a matter of course. Clinton remained inflexible. Nothing would he do, and the two unhappy Loyalists were executed in the most ignominious manner, amidst the shouts and insults of a rebel banditti. What induced the

<sup>1</sup> Hundreds of the inhabitants of Philadelphia, of rank, property, and influence were in the same predicament. Yet not a man suffered upon that account, the two poor Quakers excepted.

General not to interfere in a matter of this consequence (a matter in which all the loyal Americans were so deeply concerned) was matter of astonishment and surprise to everybody within the British lines. He knew that Carlisle and Roberts were loyal to their Sovereign, he knew they had been tried by a pretended court, as traitors to the State, for their loyalty to Britain, and by such pretended court had been convicted, condemned, and were upon such conviction then under sentence of death. Yet in this whole affair he remained perfectly silent, inattentive, and callous to every application on behalf of the prisoners, though pressed, begged, and solicited by people of the first rank and character from Philadelphia. If the quakings of his conscience were such as prevented his executing rebels according to the law martial, by way of retaliation for the inhuman murders then daily committed by rebels upon his Majesty's loyal subjects, why did he not take such steps as were consistent with reason, justice, and strict law? He had it in his power, New York, Long Island, Staten Island, and part of Westchester, were under the jurisdiction of Great Britain. A civil Governor and civil Magistrates were upon the spot. The Governor was in possession of the great seal. If Clinton did not like to punish by the law martial, why did he not apply to the Governor to issue a Commission of Oyer and Terminer for the trial of traitors within the British lines? God knows we had enough. Our prisons were full, and hundreds upon parole, taken in arms fighting against their lawful King. Had three, or four, or half a dozen of these been brought to trial in a court of law, legally established under the power of Britain, convicted, and condemned, though not executed, the murder of Carlisle and Roberts

would never have taken place. Had this plain and legal method been pursued, no conscientious principles could have invaded the breast of the General. Everything would have been legal, right, and just. This would have put an end to that profusion of loyal blood which was by rebellion afterwards so coolly and deliberately shed. Had Clinton a thousand heads, he ought to lose them all for not preventing the execution of Carlisle and Roberts. He had it in his power. Through his pusillanimity, misconduct, irresolution, and want of spirit, the honour of the nation was sacrificed, the blood of the loyalists with impunity shed, the empire dismembered, and the property of the loyal Americans given up to rebellion, to make a peace for Great Britain without a single term, condition, or stipulation in their favour. To the timidity of Clinton, the honour, the glory, and dignity of Britain fell sacrifices, and she is bound to execrate him, and that minister by whose means so irresolute, so ignorant, and so undetermined a General was commissioned as Commander-in-Chief in America.

Upon the arrival of the troops at New York, after plundering Martha's Vineyard, Block Island, Nantucket, and the Elizabeth Islands, in 1778, the General projected an expedition to Barnegat, in New Jersey, in order to destroy a number of small privateers that harboured in the creeks and inlets along the coast, and to demolish some rebel salt-works in that quarter. To divert the enemy at the same time from the principal object, Lord Cornwallis, with a large detachment of the army, went into that province and took post between Newbridge and Hackensack, having the Hackensack River on his left, the Hudson on his right. General Knyphausen at the same time marched with

another part of the army into the County of Westchester, and took a position opposite to his Lordship, having the Hudson on his left, the Bronx on his right. A number of galleys, frigates, and other armed vessels, with a large number of flat-bottomed boats, sailed up the Hudson and anchored opposite the two encampments; that in case Washington, who lay snug in the Highlands, or in that neighbourhood, should think proper to attack either, the other might be instantly transported to its assistance. Washington, however, was determined to put nothing to the risk, and kept within his own lines, works, and fortifications. Intelligence being gained that a rebel regiment of Light Horse lately arrived from Virginia, and commanded by one Baylor, an amiable young Virginian, of a fair character, reputable family, and large estate (it was in honour to Washington called Mrs. Washington's own regiment), lay at a place called Tappan, upon the western bank of the Hudson. General Grey was sent in the night to beat up their quarters. He surrounded the town, seized the sentinels, and with fixed bayonets entered the houses and barns where the rebels were sleeping, unsuspecting of danger, and before they could have recourse to their arms, the whole corps (a few who concealed themselves excepted) were massacred in cold blood, and to the disgrace of Britons many of them were stabbed while upon their knees humbly imploring and submissively begging for mercy. A merciful mind must shudder at the bare mention of so barbarous, so inhuman, and so unchristian an act. An act inconsistent with the dignity or honour of a British General, and disgraceful to the name of a soldier.

Upon the Barnegat expedition, a Captain Ferguson

had the command. He had about 500 men and some armed galleys. He retook some prizes, destroyed a number of small privateers, consisting of sloops, schooners, pettyaugers, and whale-boats; demolished all the salt-works; surprised, attacked, and in a great measure ruined, Pulaski's Legion, which happened to be quartered in the neighbourhood; plundered the inhabitants, burnt their houses, their churches, and their barns; ruined their farms; stole their cattle, hogs, horses, and sheep, and then triumphantly returned to New York. This business being effected, Cornwallis and Knyphausen also returned to New York, bringing in with them large quantities of forage, and numerous droves of cattle, horses, hogs, and sheep, of which the poor inhabitants had been indiscriminately plundered, without any distinction between whigs and tories, loyalists or rebels.

In September, 1778, another expedition took place under the orders of the Commander-in-Chief. General Tryon had the command, General De Lancey was his second. This army consisted of 2,000 regulars, a battalion of De Lancey's provincials, 200 militia infantry from Queens, a company of militia Light Horse from Kings, and two from Queens. It seems the inhabitants at the east end of Long Island were chiefly presbyterians, consequently republicans, and well affected to the cause of rebellion. Their connections were also in a great measure linked with Connecticut, with the people of which a constant intercourse had ever been kept up and maintained. The inhabitants upon this part of the island were chiefly graziers, and had large stocks of cattle, which they pretended they dare not bring to New York, for fear of being badly treated by their New England neigh-

bours. To bring up these cattle for the use of the army was the object of the expedition. This army marched down the island in great parade. They had nothing to fear. The island was a territory of Britain, and in her actual possession. They were four days upon the march, and according to custom the soldiers plundered with impunity all the way. A halt of some hours was made at Brookhaven, and while the two Generals, and all the field officers, were dining with Colonel Benjamin Floyd, of the militia, the soldiers robbed him of all his apples, his Indian corn, potatoes, turnips, cabbages, the greatest part of his poultry, and burnt up all his fences. When the army arrived at its place of destination, the cattle were ordered in, and a numerous appearance they made. All that were fit for the butcher were brought away. They amounted to many hundreds. The expedition lasted about a month. No enemy appeared. All returned safe. The inhabitants were allowed *one shilling currency* by the pound. The cattle were delivered over to the commissaries for the use of the army, for every pound of which they charged the Crown one and sixpence *sterling*. Some hundreds of the cattle brought in were found not in a condition for killing. What was to be done with these was the difficulty. They could not be fatted at the west end of the island. All the pasture, corn, and hay there were wanted for the Quarter-masters' horses. In this dilemma a council of war was held. Tryon presided. Many projects were proposed. It was at length agreed to ascertain in future to whom these cattle belonged, to have them all branded with the letters *G. R.*, and to leave them till the spring in order to be fatted during the winter. This brand plainly pointed out whose property the cattle were, and early

in the spring, when the cattle were in proper order, the Yankees crossed the sound, seized upon all the *G. R.'s*, carried them to Connecticut, and from thence sent them to feed the rebel army at Morristown, in New Jersey.

This year was also remarkable for another piece of extravagance. The Commander-in-Chief granted captain's commissions to several young gentlemen in New York. What the real intent was, let the world judge. They were called Safe-Guard Captains. Who they were to protect, is, I believe, as yet unknown. Their companies never consisted of a man. They had, notwithstanding, pay, wore red coats, cockades, and swords, rode upon good horses, and drew rations of all kinds. In this situation they continued rolling in ease, luxury, and dissipation, without doing the least duty until the evacuation of New York, and in consequence of such commissions were actually allowed half pay as captains in the British Army.

In the fall of 1778, General Grant was sent from New York with a detachment of the army to the West Indies. He attacked the Island of St. Lucia, reduced it in a short time, and it continued in the possession and under the jurisdiction of Great Britain until the end of the war, when it was, by the articles of pacification, again restored to France.

At the very time that General Grant sailed for the West Indies, Colonel Campbell, also with a detachment of the British army, was sent to Georgia, the most Southern of the revolted colonies, and upon landing in the neighbourhood of Savannah, the metropolis of the colony, an action took place. The British were the conquerors. The rebels were totally defeated; their cannon, baggage, and stores captured, numbers



were killed, wounded or taken prisoners, with several officers of note, character, and reputation, in the rebel service. Upon this Savannah opened her gates, the conquerors marched in, the inhabitants renewed their oaths of allegiance, and everything within the walls was peaceable and quiet. This was the work of a day only. The broken remains of the rebel army (the garrison at Sunbury excepted), left the colony and fled into South Carolina. Sunbury being soon after taken, the whole province submitted to the king, and took the oaths of allegiance. The civil law was restored, the courts of justice opened, an Assembly called, and all the necessary officers, from a Governor down to a petty constable, appointed. Rebellion gave way, peace, harmony, and quiet succeeded. Colonel Campbell being joined by a detachment from Florida under the command of Colonel Prevost, the latter took the command as senior officer. An incursion was now made into South Carolina, and the army penetrated to the very gates of Charleston, the capital of the province, without the least opposition whatever, and summoned the place to surrender. This the town offered to do, upon condition that the colony might be permitted to remain in a perfect state of neutrality, (for the performance of which they offered respectable hostages) until the end of the war.<sup>1</sup> This being re-

<sup>1</sup> Had the proffered terms been acceded to, the acquisition would have been of the utmost consequence to Great Britain. The American Confederacy would have been broken. Georgia, which had totally surrendered, was restored to the king's peace, and the civil officers throughout the province in full execution of the law, the courts of justice open, and everything in peace. South Carolina, lying between it and North Carolina, would have been a barrier. She would, in such case, have had nothing to fear. A small garrison at Savannah, another at Sunbury, and one at Augusta, with the militia of the colony, would have been sufficient for her protection, and Prevost's army, consisting of 3,000 excellent troops, might have been usefully employed in other parts of America. But to the misfor-

fused by General Prevost, the garrison refused to surrender, and prepared for a vigorous defence. The British army, not being large enough to blockade the town in such a manner as to prevent reinforcements and supplies from getting into it, and not strong enough to attempt a storm, left their camp and retired. Part of them returned to Savannah, in Georgia, the remainder took possession of Beaufort, in South Carolina, under the command of Colonel Maitland, which they fortified; and there remained until the fall of 1779, when General Prevost, getting intelligence of the Compte D'Estaing being upon the coast, and supposing he intended an attack upon Georgia, in conjunction with the rebel forces then in Carolina, ordered him to abandon the place and return to Savannah. This was effected in the very nick of time, and probably saved the colony. Maitland had scarcely got into Savannah when D'Estaing made his appearance, and his troops, his marines, his artillery, and a large body of sailors were landed. Lincoln, at the head of a rebel army from South Carolina, also entered Georgia and joined the French troops. The garrison strengthened their works, added some new ones, and prepared for a formidable defence. Had a regular siege been carried on for ten days, Savannah must have surrendered, and the colony again returned to the power of rebellion. The French and rebels, when joined, formed an army at least five times more numerous than the garrison. The rebels were not fond of storming fortified places, but the Compte, declaring that his fleet lay in so perilous a situation that unless the place

tune of America, and injury of Great Britain, a strange kind of fatality was evident in all our proceedings during the continuance of the American rebellion.

was immediately stormed, he must embark his troops and put to sea, a storm was therefore agreed upon, conducted with judgment, and made with vigor. The garrison, though small, consisted of Britons. They defended their works with spirit, with resolution. - They fought like lions, and repelled every attack made upon the town. The garrison gained immortal honour, the enemy were totally repulsed. Their loss in killed, prisoners, and wounded, was considerable. D'Estaign was among the latter. He now gave up all thoughts of Georgia, embarked his troops, and put to sea. Lincoln, with the rebels, returned to Carolina. Thus ended the siege of Savannah, a siege honourable to Great Britain, disgraceful to France and rebellion. D'Estaign never appeared in the American seas after this.

Some instances of the lenity, or timidity, of a British General, I don't know which, are now to be mentioned. In 1777, General De Lancey, whose quarters were at Huntington, in Suffolk County, upon Long Island, ordered one Phillips, the overseer of a William Floyd, one of the delegates in Congress, and John Smith, the son of William Smith, Esq., a member of the New York Convention, and both living with their families within the rebel lines, to be apprehended and brought before him. Floyd and Smith had both valuable farms upon Long Island, which were in possession of Phillips as overseer to the former, and of John Smith as son to the latter. They carried on the business of the farms in the same manner as their principals would have done had they been at home, sold the produce at the New York markets for hard money, and remitted the same to Floyd and Smith with all such intelligence as they could procure.

Of this General De Lancey had information. Upon this he ordered them taken up. They were brought before him, declared themselves loyal subjects, and offered to take the oaths of allegiance to the king, which they accordingly did. The General then ordered them to enter into bonds with large penalties and good security, conditioned for their good behaviour as loyal subjects, not to leave the island, nor to send any intelligence, information, or hard money, to the rebels, and to be accountable to the Crown for the annual produce of the farms in their possession. This done, they were discharged. No sooner had they got matters properly settled, than they left the Island, went over to the rebels, took up arms in violation of their faith, and oath of allegiance, and were not long afterwards (some time in 1778), taken upon the Island upon a plundering party with arms in their hands, fighting against their sovereign, and pillaging his lawful subjects. They were carried to New York and lodged in the prevost, and to General Clinton, then Commander-in-Chief, full information of all these particulars was given, yet in about three weeks thereafter, he permitted them to be exchanged as prisoners of war !

In 1778, three young fellows of the township of Oyster Bay, who had, upon the surrender of the Island, in 1776, taken the oaths of allegiance to the king, left the Island, joined the rebels, and entered into a combination with a gang of freebooters to plunder the inhabitants upon the Island ; with which intent a party of them crossed the Sound of an evening, and after robbing several houses, they made an attempt upon one in which there happened to be several men, by whom they were attacked, overpowered, and taken

prisoners, carried to New York, tried, convicted, and ordered to serve as common sailors on board a king's ship during the war. Yet these fellows (upon the application of as great a rebel<sup>1</sup> as existed) were pardoned, released, and discharged, without any punishment whatever.

Thomas Jones, Esq., had his house at Fort Neck, in Queens County, on Long Island, broken open, and plundered, by a party of rebels from New England, in November, 1779. One Chichester, who lived in the neighbourhood, under the protection of Great Britain, served as their guide. Before this party could re-cross the Sound, seven of them, of which this fellow was one, were taken prisoners, carried to New York, and lodged in the prevost. Mr. Jones remained a prisoner in Connecticut for six months. Chichester was all the time in prison. Upon Mr. Jones' return he received a message from the civil Governor of the province,<sup>2</sup> desiring him to signify in writing under his hand, his consent that Chichester should be discharged. This was refused. Notwithstanding which, he was in a few days afterwards unconditionally released, and returned home, ready to conduct any other plundering party that should appear in that quarter. Is it surprising, after these instances, (hundreds might be produced) that the inhabitants upon Long Island were constantly and almost daily plundered, when the thieves, if taken, were ever discharged without the least punishment (a few days' confinement in the prevost excepted), and what was worse, the plundered never could obtain a restitution for the stolen goods? We were out of the king's peace, said the gentlemen

<sup>1</sup> Hendrick Onderdonk, Esq., of Hempstead Harbour.

<sup>2</sup> General Robertson.

of the army. Our courts were shut up, justice and law were gone, and the inhabitants within the lines were as equally plundered by the British and foreign troops, as they were by the rebels, and by all with equal impunity. No satisfaction was to be obtained. Apply to a General and you were damned for a rebel, though loyalty was your ruin.

J. F. D. Smyth, in his tour through the United States of America, page 380, in speaking of Long Island, says: "Though numbers of the inhabitants of this island have acquired money during the war, yet many more have been most cruelly oppressed, and vast numbers of them repeatedly plundered by the depredations of both sides. Such shocking instances of barbarous brutality have frequently occurred in different parts of Long Island, a bare recollection of which is painful. I will, therefore, omit them, a relation would be disagreeable." This gentleman is a native of Great Britain, was a captain in Simcoe's Legion, was a great deal upon Long Island, spent the winter with the army at Southampton, in 1778, and was quartered at Oyster Bay in the winter of 1779. He of course had it in his power to be well acquainted with the persecution, and unparalleled depredations committed upon his majesty's loyal subjects, inhabitants of that Island during the war, as well by the rebels from the neighbouring colonies, as by the licentious conduct of the royal army. As an Englishman, and a British officer, he will hardly be suspected of partiality.

Early in 1779, an expedition was undertaken against Virginia. Sir George Collyer commanded the navy, General Mathew the land forces. They sailed to the Chesapeake, landed, and took the towns of Ports-

mouth, Norfolk, and Suffolk. In these ports some ships laden with above 1,000 hogsheads of tobacco were burned by the rebels; at least 1,000 hogsheads more were taken by the British, and sent to New York. Several magazines of provisions and military stores were burnt; not less than 170 sail of vessels were either destroyed or brought away by the navy, who penetrated every river emptying into the bay. Rope walks were burnt, as well as a number of ships upon the stocks, the ship yards broken up, the timber in them ruined. Their arsenals of pitch, tar, hemp, cordage, and other materials, were all consumed. The damage done the enemy by this desultory expedition was amazing, surprising, and prodigious. It amounted to little less than two millions sterling. Such were the effects of an expedition performed in the course of a month, when the whole force returned to New York without the loss of a man, or the least damage done to any of the king's ships.

In the spring of this year also, a detachment of the royal army, under the command of a General McClean, went from Nova Scotia to Penobscot, the eastern part of the Massachusetts, landed, took possession of the place, erected a fort, and built such other works as would be necessary in case of an attack. This little successful expedition occasioned an unusual clamour and alarm in Boston. Penobscot was in the colony. It was an insult, an affront, not to be submitted to by the Puritan Saints of New England. No sooner was the affair known in Boston, than the whole mass of puritanic rebellion took fire, and steps were immediately taken to expel the invaders. An embargo was laid upon all shipping in the Massachusetts, New Hampshire, and Rhode Island, for forty days. An

army was raised under the command of one Lovel, before the rebellion a schoolmaster in Boston. A fleet was also prepared ; a Captain Saltonstall had the command as Commodore.<sup>1</sup> All things being in readiness, the armament left Boston and sailed for Penobscot. On the 25th of July the rebel fleet appeared in sight. It consisted of 37 sail. The commander of the garrison had got intelligence of the preparations in Boston some days before the fleet left. An express was sent to Halifax, and from thence dispatched to the Commander-in-Chief at New York. The rebels, though several times repulsed in their attempts to

<sup>1</sup> This gentleman is a descendant of Sir Richard Saltonstall, who was formerly a Lord Mayor of London. He was one of the first settlers of the colony of Plymouth, now a part of the State of the Massachusetts. The Commodore is a great grand-son. Sir Richard's eldest son was Gurdon Saltonstall. He was many years Governor of Connecticut. Some descendants of Sir Richard's are also settled at New London, rich, respectable, and in high estimation as the first family in the place. Roswell Saltonstall, the only grandson of Gurdon, who was the eldest son of Sir Richard, lives upon a very valuable estate at Branford, in Connecticut, which he inherited from his father. He has also, by inheritance, an estate of some value at Pomfret, in Yorkshire. Roswell is now about 50 years of age, and perhaps one of the oddest men in America. I was acquainted with him in College, and being a prisoner in Connecticut during the war, I went in company with a friend to pay him a visit. I found him a steady loyalist. He was dressed in the following manner : coarse leather shoes, tied with leather strings, instead of buckles, blue yarn stockings, tied below the knees with some twisted flax. His breeches were woollen, and open at both the knees. His coat and waistcoat were of homespun, his shirt of coarse linen, and appeared to have been worn about a month. The sleeves were tied with twine. He had nothing about his neck, and from the looks of his hair, a comb had not seen it for six months. He kept a seraglio, consisting of six young women. He had seven children, all illegitimate. He never was married. He was sensible, chatty, and entertaining. He treated us with cider, apples, and nuts, and seemed extremely glad to see us. He damned rebellion, and wished success to his sovereign. When New Haven was plundered by the royal army in the summer of 1779, General Tryon had his head-quarters near Bradford. Upon this occasion Saltonstall had his beard shaved, his hair dressed, put into a bag, and powdered ; put on a new suit of black velvet, white silk stockings, a sword, and fine hat, and waited upon the General and asked him to his house ; roasted an ox, six sheep, and four hogs, with which he feasted the British soldiers. When the army left Connecticut, he returned to his former dress, and his old method of living.



land, at length effected their object, opened ground, and commenced a regular siege. No sooner did the news arrive at New York than Sir George Collyer, in a sixty gun ship, with five frigates, were ordered to the relief of the place. The night after Sir George appeared upon the coast, Lovel embarked his troops, his provisions, his stores, his baggage, and artillery, on board the rebel fleet, abandoned the siege by land, and seemed determined to make a resistance by sea. The rebel commanders drew their fleet up in the form of a half moon at the entrance of the river, as if determined to dispute the passage. Their resolution soon failed, a most scandalous flight took place, a general chase, and an unresisted destruction was the consequence. The rebels, finding no possibility of escaping, ran many of their vessels on shore, set them on fire, and took to the woods. No destruction could be more complete. Nothing in the naval line escaped. A frigate of 20 guns, another of 18, and eight sail of provision vessels were captured, and 24 sail of transports were destroyed. To complete the whole, more than two-thirds of the whole army and sailors employed in this expedition died in the woods, through hunger and fatigue, before they could reach the settled parts of the Massachusetts. Saltonstall gained no honour, his conduct was execrated through the rebel States, yet he was never brought to a trial. No attempts were ever after made for the recovery of Penobscot. The other States refused to bear any part of the expense which the New Englanders were put to in consequence of the late expedition, nor did Congress, though applied to strongly, recommend the matter. Penobscot remained in the hands of Great Britain, till the noted Jesuit Malgarida, in conjunction

with a baker of bread and a retailer of wine, gave it up to rebellion in complete and perfect order, upon the conclusion of the late war, by the dishonourable peace of Paris, a peace that dismembered the empire, disgraced the nation, and made Britain the laughing stock, the ridicule, the jest, of all Europe.

## CHAPTER XIV.

IN the year 1779, the refugees within the British lines, who were become numerous, were by permission from the British Ministry, suffered to establish a jurisdiction of their own, independent of the Commander-in-Chief, and governed by a body of their own creation, to which they gave the title of "The Honourable Board of Associated Loyalists." These refugees having arms in their hands, no pay, provisions, nor clothing from the Crown, were now under the sanction of government, and the countenance of their "Honourable Board," publicly encouraged to maintain, support, and if possible, enrich themselves by the spoil and plunder of the rebels, under pretence of distressing the enemy, and gaining information necessary for the Commander-in-Chief. Those upon Long Island, and Staten Island, were in possession of whale boats of different sizes, rowed with from eight to thirty oars. They had also some small armed sloops, schooners, and pettyaugers. They were all commissioned as private vessels of war, and as their crews consisted of a set of people who had either fled, or been driven, from the rebel country, they were perfectly acquainted with all the different situations along the

coasts of New Jersey and Connecticut, as well as those of New York under the jurisdiction of rebellion, with all the different creeks, coves, bays, rivers, and harbours; and with the situation of the several towns and villages, houses of gentlemen, and country farms. These coasts they infested in the night, and brought off the cattle, horses, hogs, sheep, and poultry, belonging to the inhabitants, their furniture, household goods, negroes, wearing apparel, bedding, sheeting and linen; burnt houses, destroyed churches, and brought off a number of prisoners. This plunder was sold at vendue for the benefit of the captors. These refugees consisted of three "societies," one formed of those in New York and upon Staten Island, another of those upon Long Island, and the third, of those posted at Kingsbridge, Morrisania, and the borough of Westchester. They were all under the jurisdiction of, and subject to, the directions and orders of the "Honourable Board." Those at Kingsbridge, Morrisania and the borough of Westchester, consisted of horsemen, were formed into companies, and regularly officered and commissioned. These made incursions into the country and plundered whatever they could lay their hands upon, and if no rebel property was to be found, the Loyalists and the neutrals suffered. It was an established rule never to return empty handed. The New York and Staten Island society confined their *littoral* predatory war to the coasts of New Jersey, and to those of New York below the Highlands, and to the west, and east sides of the Hudson. The Long Island society infested the coasts of Connecticut, with some of the easternmost parts of the province of New York adjoining the Sound. By way of retaliation, a number of the like boats with similar commissions were fitted out and

commissioned by the Governors of Connecticut, New Jersey, and of that part of New York in the power of the rebels. These retaliators infested the coasts of Long Island, and plundered the inhabitants in the same manner as the loyal refugees plundered theirs, with this difference only, they burnt no dwelling houses, nor ever injured a church. They destroyed some saw mills, the property of individuals, which were worked for the use of the army. In this they were justifiable by the usage and customs of all nations when in an actual state of war. It was remarked, that after this establishment took place, and a predatory war commenced on each side, *that no battle or attack ever occurred between the rebel and the loyal privateers.* It was said, I believe it a fact, that in passing the Sound upon their respective depredations, they frequently met, hailed each other, gave three cheers, and unmolestedly proceeded on their different expeditions. It was also, at last, averred as a fact, that these depredators grew so civil to each other, that they mutually gave notice of the persons most proper to be made prisoners of, the situation of their houses, and where the most plunder was likely to be obtained. This connection answered the purpose of both parties. A prisoner taken from Connecticut, and carried to Long Island, and from thence to New York, it was natural for his relations to wish to have him exchanged. The Captain of a New England whale-boat privateer waits upon the wife or other near relation of the captive, and offers to take a person from the British lines, who should answer for an exchange: but as the adventure must be of course dangerous, and attended with fatigue and expense, a proper compensation must be given. The bargain made, the adventurers proceed. The

royal refugees point out to the rebel ones a proper man. His house is attacked in the night, broken open, plundered, and the owner carried into New England. Upon this an exchange is proposed. The Commander-in-Chief says, "I have no objection, but the prisoner is not mine, he belongs to the 'Honourable 'Board of Associated Loyalists,' you must apply to 'them.'" The Board consents, but the crew who took the prisoner must be satisfied, and a reward also given for their consent. The sums asked were in proportion to the rank of the prisoner. I have seen receipts of this kind from 30 to 150 guineas. This trade was carried on from the incorporation of the Board to the end of the war. It injured individuals, was of no service to the general cause. It gratified the ambition of a few sycophants and pensioners. No information that could be depended upon, was ever obtained through the means of these refugee corps under the orders, directions and sanction of the "Honourable Board." I don't pretend that the "Honourable Board" knew of, or connived at, such iniquitous proceedings of the Associated Loyalists, but they certainly encouraged them to infest the rebel coasts, and plunder the inhabitants indiscriminately, without any distinction of Whigs or Tories, Loyalists or rebels. Upon the conclusion of the peace, all the refugee plunderers were provided with vessels, sent to Nova Scotia, and had lands granted them in proportion to their respective ranks, which they held in the "Honourable Corps" of refugees, employed by government to plunder inoffensive farmers, burn their houses, and steal their cattle. The "Honourable Board," consisted of 25 members, each had £200 sterling per annum, with rations of every kind. The Board cost the

nation at least £30,000 sterling a year. It might have been appropriated to a much better purpose. The American War was not against rebellion, it was against the Treasury of Great Britain, and of which it nearly made a conquest.

In May, 1781, four rebel whale-boats from New Rochelle, upon the main within the province of New York, actually went to the British guard ship which lay at the Two Brothers, small islands in the Sound, about a mile below Whitestone, and nearly midway between the main and Long Island, and made presents of poultry, lamb, veal, and vegetables, to the Captain and other officers, and in return their crews were regaled with wine, punch, and grog. In the evening they took leave, went directly to Long Island, broke open the house of Thomas Hicks, Esq., robbed him of several hundred pounds in cash, his plate, his linen, his library, and as much furniture as the boats could contain, and returned with their spoil directly to New Rochelle. As they passed the guard ship upon their return, they gave her three cheers, which the ship cordially returned. *This is a fact, and this fact speaks for itself.* It is no wonder the inhabitants of Long Island were so constantly plundered, when such an intimacy subsisted between the rebels and the very persons appointed to guard the coasts of the Island.

I will now relate a most extraordinary manœuvre that took place during the war. William Axtell, Esq., of Kings County, upon Long Island, and a member of his Majesty's Council, was commissioned by the Commander-in-Chief as Colonel of a regiment to consist of 500 men, to be raised by him on the King's account, the officers to have the same rank, and pay, as the other provincial corps, with this condition however, they

were to be disbanded on the first day of the ensuing December. Axtell's recruits amounted to about thirty. These formed his regiment. It was in pay from the 1st of May, 1779, to the 1st of December following, seven months. It was encamped in his court yard. It guarded his house, his poultry, his hogs, his sheep, and his cows. No other service did the regiment do, except, that two attended him whenever he took a ride. Yet, he received full pay, clothing, arms, and provisions, for 500 men the whole time. He had a secretary, an aid-de-camp, a chaplain, a physician, and a surgeon, all in full pay. This was his staff. Even this was not enough, the Commander-in-Chief gave him the power of granting licences to all the public houses in the county. He licensed about 150, a third of the county. Each man was obliged to pay a "fee" (£6 8s. *od.*) per annum, amounting to more than £900. His Excellency, the General, also gave orders that no person whatever should pass Brookland ferry from Long Island to New York without a pass from Colonel Axtell. Of this he made the most. Not less than 20,000 people, exclusive of the military, at that time annually passed the ferry. Every one, instead of the two pence formerly paid, was obliged to pay the Colonel 8 shillings, which yearly amounted to the tune of some thousands. This was for a *license to pass*, the ferryman was to be paid besides. His regiment was (had it ever existed) disbanded on the 1st of December, 1779. In the other two lucrative employments he continued until General Robertson's arrival at New York, as civil Governor in 1780. As soon as Robertson had established a "Court of Police" upon Long Island he divested Axtell of his power of granting licenses, and vested it in his Court of Police, that the revenues



arising therefrom, might be lodged in the "city funds." The granting of passes was so very unpopular, an act so extortionate, and so universally complained of, that his Excellency abolished it entirely, the only good thing he ever did while Governor of the province. This Colonel Axtell was born in the island of Jamaica. His grandfather was a violent partizan in the grand English rebellion in the reign of Charles the 1st; commanded the guard that attended the mock court which sentenced that unhappy monarch to the block; was warm, hot, and riotous upon the trial. When Lady Fairfax from the gallery, on Bradshaw, the President of the pretended court, saying that the charge exhibited against Charles Stuart (meaning the King) was by the good people of England, exclaimed, "it was a lie, that above half the commons disavowed the act, and that Oliver was a usurper and a traitor," Axtell cried out to his soldiers to shoot her. During the whole of the trial, which continued several days, he stimulated, persuaded, and encouraged the guard, whenever the King appeared, to call out, "justice," "justice;" and when the infamous, unjust, and murderous sentence was pronounced, he ordered them, as the King left the hall, to bellow out, "execution," "execution." He was after the restoration apprehended, tried for his treason, convicted and executed; after which his son Daniel went to Jamaica, in the West Indies, where he accumulated a genteel estate, and died, leaving this William, his only son, and heir. The father having in his lifetime been upon the continent of America, made a purchase of a valuable tract of land upon the banks of the Raritan, in the province of New Jersey. To dispose of this estate, brought Mr. Axtell to that colony, in 1746. From thence he

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went to New York, ran away with, and married, a beautiful young lady the daughter of Abraham Depeyster, Esq., the Treasurer of that province. Axtell soon after his marriage sold his property in Jersey, built a noble house in New York, and lived in the most splendid manner. This could not last forever. His finances at length grew rather short. In 1754, he left New York and went to Jamaica in order to settle with his father's executors. This business finished, he went to England, and sent for his wife. He continued in England several years. He then returned to New York, and brought with him a mandamus appointing him one of his Majesty's Council. He purchased an elegant house at Flatbush, upon Long Island, about five miles from New York. He also built a good house upon church ground in the city, upon a long lease, and at a moderate rent. When the American troubles first began, as far as words would go, he opposed Great Britain, and espoused the American cause. So zealous was he in this business, that at a meeting of the Queens County Loyalists, at Hempstead, in 1776, (though he had no property in that county, and lived in a different one) he, unasked, uninvited, and unsolicited, attended the meeting, made a set speech, in which the conduct of the rebels was justified, the steps then taken by Britain reprobated, and General Tryon, then civil Governor of New York, most abominably abused;<sup>1</sup> he told the people that their confidence in him would be their ruin; that their error perhaps might not be seen until it was too late. But

<sup>1</sup> Mr. Axtell had been in the year 1772, appointed Colonel of the Kings County militia by this same General Tryon, at his own request and desire. To gratify Axtell in this, the General went so far as to displace John Rapelje who was the Colonel, and possessed the most rigid principles of loyalty.

in the end says he, "you will curse Tryon and damn him for his advice." He exhorted the inhabitants to pursue the same steps that were then taking in Kings, under his immediate direction, by putting all their corn, hay, and forage into stacks, and as soon as the King's troops landed upon the island to set fire to the whole. (General Howe was at this time in possession of Staten Island.) The Queens County inhabitants in general possessed the most unbounded loyalty. Axtell was therefore laughed at, ridiculed, hissed, insulted, and returned back to his own county in disgust, not much pleased with his reception in Queens, where in short he had no business.<sup>1</sup> When the army landed, Axtell's plan was put in execution in Kings, the forage was all destroyed. Times however soon changed, Long Island was conquered, New York and the Island reduced, and half Westchester in the same predicament. Axtell's whole estate was now in the power of the conquerors. Wonderful to tell! Axtell's sentiments instantly altered. He became a loyalist of the first magnitude, toasted the King, the British Generals, the army, the navy, and damned rebellion. He pretended to be a real advocate for the cause of Great Britain. This induced Clinton to give him the appointments before mentioned, and this induced the rebel Legislature of New York to include him in their Act of Attainder and Confiscation. But prior to this, he had taken care to marry his niece (an adopted child) to a rebel major, one Giles, of Maryland, then a prisoner at Flatbush, to whom he made over his whole estate upon certain conditions, by which the whole is

<sup>1</sup> This anecdote I had from Dr. Martin, a freeholder in Queens, who was present. He is a gentleman of the most unblemished character, of the strictest veracity, and a first-rate Loyalist.

saved to himself and family. Upon the evacuation of New York, he came to England, obtained a pension, and was allowed half pay as a reduced Colonel in his Majesty's service.<sup>1</sup>

As a part of the operations of the American War, which have not been already mentioned, are included in the character and conduct of General Montgomery, I shall now insert them. This gentleman was a native of Ireland. He was a captain in the 17th, which served in America in the war preceding the rebellion. At the close of that war he returned to Europe. Not meeting with the promotion he expected, he sold out, came to New York and purchased a small farm near Kingsbridge. In 1773, he married a daughter of Judge Livingston, sold his farm at Kingsbridge, and removed to Rynbeck in Dutchess, in the neighbourhood of his wife's relations. Upon the very commencement of the rebellion, he took an active part against Great Britain. This was not surprising, as the most of the numerous family of the Livingstons, warmly engaged in the contest, and supported every measure that was adopted by the demagogues of rebellion. In 1775, he was sent from Dutchess to represent that county in the provincial Congress, then sitting at New York. The Continental Congress soon after ordered an army raised. The provincial convention of New York gave him the command of a regiment, and Congress made him a Brigadier-General, and appointed him second in command upon the expedition then ordered into Canada under General

<sup>1</sup> Robert Cromwell was a juryman upon the trial of Daniel Axtell, a person immediately concerned in the murder of Charles the 1st, and was challenged by him. This is particularly mentioned in Noble's *Memoirs of the Protectorate House of Cromwell*.

Schuyler. In September, 1775, in the absence of Schuyler, he laid siege to St. Johns, at the head of Champlain, and the entrance into Canada, which not being relieved, after a siege of nearly four months, was obliged to capitulate. Chamblée and La Prairie fell, of course. Montreal being unfortified, surrendered at discretion, and Montgomery entered it at the head of his army in great pomp, state, and triumph. Determined to push his good fortune, though in the midst of winter, he marched for Quebec, joined Arnold who had arrived from Boston by the way of Kennebec, took the command of the whole, and blockaded the town. He summoned the garrison to surrender. The summons was laughed at. Carleton had the command. He had a loyal garrison, nor was he ever afraid of rebels, rebellion, or treason; he never trimmed with them, he never coaxed them; he was a veteran, loved his King, the Constitution of Britain, and hated traitors. Such a man was not to be easily frightened into a tame and timid surrender of a garrison which he had the honour of commanding. On the 31st of December, 1775, Montgomery, with more courage and resolution than prudence or foresight, attempted to storm the garrison. In this he failed, his army was defeated, numbers were either killed, wounded, or taken prisoners. Montgomery was among the slain, Arnold among the wounded. Thus fell Montgomery, whose bravery and heroism would have done honour to a better cause. He lost his life, fighting against his sovereign to whom he had sworn allegiance, and in support of a rebellion. Nothing can justify his conduct. Canada was a colony belonging to Great Britain. It had no connection with the revolted colonies as to their dispute with England. Nay, Congress was

at this very time acknowledging themselves "faithful and loyal subjects to the King." Independency was not even declared till five months after. The invasion of Canada by Montgomery can be justified upon no principle whatever. He was killed in the very act of treason. The thirteen colonies at the time publicly and openly declaring themselves, in all their publications, addresses, and petitions, subjects of Great Britain, Sir Guy Carleton would have been justified in the eyes of all mankind, if he had hanged every prisoner taken upon that occasion, as a traitor to their King, to their country, and to the Constitution of old England.

In June, 1779, the army having been in quarters upon Long Island, Staten Island, and New York Island, ever since its arrival from Philadelphia, in July, 1778, embarked by General Clinton's orders, and sailed up the North River, under the convoy of several men-of-war, armed transports, cutters and galleys; landed at Verplanck's Point, upon the eastern bank of the Hudson, in Westchester County, attacked and took a small fort the rebels had there, and made the garrison, consisting of about 100 men, prisoners of war. The fort was demolished, and a large, substantial one built in its stead, well mounted with artillery, and strongly garrisoned. A similar one, though much stronger, (as the situation was more dangerous, being on that side of the river where the rebel grand army lay encamped, at the distance of not more than ten miles), was erected upon the western bank of the river, at a place called Stoney Point, nearly opposite the one upon the eastern shore at Verplanck's Point. The fort at Stoney Point had a garrison of 750 men, besides a company of artillery. It was commanded by Lieut.-

Colonel Johnson, a youth of courage, bravery, and resolution, but unhappily for a soldier, much inclined to good fellowship, and the pleasures of the table. These two forts being completed, well garrisoned, and provided with every necessary, the British army overran the whole county of Westchester. If ever two parties met, the rebels were always defeated. The towns of Bedford, Salem, and Northcastle, a number of reputable farm-houses in different parts, and about ten sacred edifices of every denomination of Protestants, were wantonly burnt. What end a proceeding of this kind answered I never could devise. The farmers, merchants, and tradesmen, throughout the county were indiscriminately, whether Loyalists or rebels, whigs or tories, robbed of their cattle, their horses, hogs, sheep, poultry and household furniture, which were sent to New York and sold at public auction for the benefit of the plunderers.

The whole county of Westchester being now in the possession of the British army, and the Commander-in-Chief (for once) prudently considering that a large quantity of forage would be wanted the ensuing winter, employed a number of hay cutters and hay makers to cut down and cure all the hay at Rye, Mamaroneck, the White Plains, New Rochelle, East Chester, the Manors of Pelham, Scarsdale, and Phillipseburgh, with that upon all the farms adjacent and contiguous to the several towns and villages aforesaid. The hay cutters were protected in every quarter by detachments from the army, while the General with the main body lay upon the borders of Connecticut, as a protection to the whole. While in this situation he received an express acquainting him that the garrison at Stoney Point had been surprised, and made prisoners of, and conducted

to the rebel army,<sup>1</sup> and that the garrison at Verplanck's Point expected an attack every hour. Whether the General apprehended the city of New York in danger, or the garrison at Verplanck's Point of little consequence, no reinforcements were sent to the latter. The General marched with his whole army for New York, all the hay makers, and their covering parties, were called in. The whole marched to Kingsbridge, passed the Harlem, and entered the island of New York. Most of them were quartered in the city. The remainder in its environs. The lines at Kingsbridge, in the mean time, were left to be defended by a refugee corps, some German Chasseurs, a few Anspachers, some British, and a few provincials, a motley crew consisting of not more than 1,000 men. Clinton established himself in the city of New York with about 20,000 men, a large body of militia, and a numerous train of artillery, and the island besides was surrounded by at least forty men-of-war. All this because Stoney Point had been surprised. The hay was all left behind, the rebels took it away, Clinton gave them no interruption. The rebels no sooner possessed of the fort at Stoney Point, than apprehensive of an attack from the British, removed the stores and artillery, burnt the barracks, demolished the fort, and returned within two days to the main body of the American

<sup>1</sup> This surprise was so complete, or the garrison so negligent, that the sentinels were secured, the abatis removed and the rebels within the works, before it was known that an enemy was at hand. This surprise was conducted by one Anthony Wayne, then a General in the rebel army; prior to the war a tanner in Pennsylvania, a man of courage, conduct and resolution; what the old Earl of Chatham would have called a "*heaven made General*." The commandant of the fort and a select company of his friends upon a visit from the garrison at Verplanck's Point were devoting themselves to pleasure, and pouring down large libations to the "jolly god," not in the least apprehensive of danger, when Wayne entered the room and made them all prisoners.



army. The Commander-in-Chief now took possession of the point a second time, rebuilt the fort, and put a strong garrison into it. The rebels after this made no attempts upon either of the forts. In the month of November following, Clinton ordered both the forts demolished, and the men, stores, artillery, and provisions, brought to New York. Upon this the rebels again took possession, rebuilt the forts and put strong garrisons into them. One awed the county of Westchester, the other that of Orange.

In July, 1779, General Tryon left New York with about 2,000 troops, convoyed by a number of men-of-war under the command of Sir George Collyer, sailed up the Sound, and landed at New Haven, a large populous town in Connecticut, about 90 miles from New York. This town they completely plundered, even bedding, and wearing apparel did not escape the licentious hands of this plundering party. From New Haven they went to Fairfield, about 20 miles west of the former. This town they took, plundered, and then burnt. The sacred edifices did not even escape the flames. Two Episcopal churches, three Presbyterian meeting houses, and a Sandemanian church were destroyed in the conflagration. From Fairfield they went to Norwalk, about 10 miles to the west of the former; here they again landed, plundered the inhabitants, and burnt the town, with every building appropriated to the worship of God. From hence they crossed the Sound, and anchored at Huntington, upon the Long Island shore. In a few days they returned to New York. In the course of this expedition all the small privateers in the harbours and creeks along the Connecticut shore were destroyed by the navy. This was an essential piece of service, but to rob,

plunder, and burn, defenceless unfortified towns could answer no purpose. It was not a method of conciliating the deluded. It occasioned rancor and inveteracy, and instead of conciliating, it widened the breach. Whether the General exceeded his orders, or not, or some other motives occasioned it, he was upon his return to New York, received at head quarters with the utmost coolness.<sup>1</sup> From the well known humanity, charity, and generosity of General Tryon, no man in his perfect senses, can ever imagine, that the troops under his command were, with his consent, suffered to plunder peaceable inhabitants, towns to be burnt, holy buildings destroyed, and thousands of innocent inhabitants of both sexes, and all ages, and the greater part loyalists,<sup>2</sup> to be divested of all the comforts of life, and turned into the open fields, no habitations to protect them, exposed to the inclemency of the weather, and covered by the canopy of heaven only. General Tryon's humanity was such that nothing but express orders could have induced him to act a part so inconsistent with his well known and established principles. Clinton was at this time Commander-in-Chief. He had no stability, was weak in his intellects, and was governed by one William Smith, a spy for the rebels.

In the fall of 1779, General Clinton ordered Rhode Island evacuated and the garrison removed to New York, with the stores, provisions, and artillery; to effect which, a number of King's ships and transports

<sup>1</sup> William Smith's influence with Clinton, it was said, occasioned this coolness.

<sup>2</sup> New Haven, Fairfield, and Norwalk were during the war looked upon with a jealous eye by the New England rebels; were called Tory towns; in short, at a moderate computation, at least two-thirds of the inhabitants of those towns were Episcopalians, and the greatest part of that profession favoured the royal cause during the whole rebellion.

were sent there. What occasioned the evacuation is uncertain. It would have been for the benefit of Britain had it never taken place. Most people supposed it was an apprehension in Clinton, that the Comte D'Estaing, then attacking Georgia, would, in case of success there, come to New York and in conjunction with the rebel army attack the place. This undoubtedly was the plan projected between D'Estaing and Washington. Everything necessary for the siege of New York was prepared, and the arrival of D'Estaing at Sandy Hook in the month of November, was spoken of by the rebels with the utmost confidence. This was a sufficient justification for the evacuation of Rhode Island; the troops might be wanted at New York, or should the attack upon New York fail, Rhode Island might be attempted with better success, and the army there captured. D'Estaing's defeat at Savannah in Georgia, and departure from thence to the West Indies, put an end to all apprehensions from that quarter. The evacuation of Rhode Island was made with great precipitancy; evident marks of timidity appeared in all the orders given for the purpose. It is true the troops all came away, so did the Loyalists, the refugees, and every person obnoxious to rebellion. The stores, provisions and artillery were brought away, but all the wood and forage laid in for 6,000 men during the winter, were left behind. This would have been of the utmost service to the army at New York. The wood was cut and corded in the wood yards. The hay was in trusses in the hay yards, the corn in store houses, transports were there in abundance, nothing could have been easier than its transportation to New York, yet it was all left behind. The army suffered amazingly for the

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want of it the ensuing winter. It was left behind undestroyed, and proved of great service to the rebels in the end. The transports with the troops, on their way to New York, stopped at Huntington upon Long Island, where the refugees were principally landed, and billeted about the country upon the inhabitants. From hence the fleet sailed to New York and disembarked the troops. They were ordered into quarters upon Long Island, some at Oyster Bay, some at Huntington, some at Smithtown, and some at Brookhaven, towns upon the north side of the Island adjoining the Sound. One thing with respect to the evacuation of Rhode Island is very remarkable, when the General found that D'Estaing had been defeated in Georgia, was gone to the West Indies, and New York in no danger, he ordered a man-of-war immediately to Rhode Island, to prevent the evacuation. But so absent was this gentleman that he never discovered till some days afterwards that he had forgotten to dispatch his orders, he found them in one of his pockets, searching for papers upon a particular occasion. It was too late. The evacuation had taken place, and the rebels had taken possession. This was the General intrusted by Great Britain to suppress a formidable rebellion.<sup>1</sup>

<sup>1</sup> The following are instances of rebel generosity: The government of Virginia in this year ordered Henry Hamilton, Esq., Lieut.-Governor of Detroit, Philip De Jean a Justice of the Peace there, and a Captain La Motte, to be put in irons, confined in a dungeon, debarred the use of pen, ink, and paper, and excluded from all converse but with the jailor. These gentlemen were taken in Fort Sackville in the Illinois Country. They were the subjects of, and held their commissions under, the King of Great Britain. The fort was surrendered to a rebel army under a Colonel Clarke upon capitulation, in which (though prisoners of war) honourable terms were granted them. It may be here properly asked what business had Congress in that part of the country? It was some hundred miles out of the boundaries of any of the revolted colonies.

In this year also Congress ordered 3 British marine officers, then upon parole in the city of Philadelphia, to be taken up and confined in a close room in the com-

In the winter of this year, information was received at New York, that Washington's quarters were in a house at Morristown, at some distance from the huts occupied by the rebel army. The snow was very deep, the winter prodigiously cold, and as no danger was apprehended, his guards were trifling. Clinton thought the capture of Washington would put an end to the rebellion. I believe it would, as no other person could have kept such a heterogeneous army, as the rebel one then consisted of, together. Four hundred horse were dispatched for this purpose. This alert turned out as all others did. It failed. The guides got frightened, the party bewildered, they lost the road, and after a cold, tedious and fatiguing excursion of 24 hours, without ever seeing a rebel, returned to New York, all frost-bitten. This manœuvre was laughed at by the rebel army, derided by their militia, and cursed by the Loyalists. Thus ended this famous alert, an alert that was to have ended the war, (as Clinton supposed). But God knows, through the stupidity or wickedness of our Commanders-in-Chief, all our alerts, battles, and sieges, during the whole war (a very few excepted) met with the same fate, and ended in the same manner.

mon jail, denied the use of pen, ink, and paper, and of all converse but with the jailor. These officers were upon parole. No pretence of a breach of the parole was made. It was done by way of retaliation for one Cunningham, then a prisoner in New York and, though a prisoner, well treated. This fellow was to be sent to England to be tried for piracy. In 1777, without a commission from France, Spain, the Devil, or even Congress itself, he took a King's packet, carried her to Ostend, sold her without a legal condemnation, and distributed the money amongst his crew. This rascally, piratical act, Congress justified, and because he was a prisoner in New York, these British officers, prisoners upon parole, were treated by order of Congress in the manner before mentioned.

## CHAPTER XV.

IN the latter end of December, 1779, General Clinton embarked at New York with a large proportion of the army, and went to the southward with intent to attack Charleston, the metropolis of South Carolina, and by its conquest to reduce that colony. Georgia, the adjoining province, was then entirely under the jurisdiction of Britain. The inhabitants were restored to the king's peace, and in full possession of all the liberties and privileges which English subjects enjoy under the protection of the civil law, courts of justice, judges upon oath, and trials by jury. Upon Clinton's leaving New York, the command there devolved upon General Knyphausen, Commander-in-Chief of the German auxiliaries, a brave, old veteran, who had served his prince in the military line from his earliest youth. He was nearly seventy, yet able, strong, and active, had a good head, a noble soul, and a bold heart. As many troops were left at New York as were sufficient for its defence. Nobody repined at the change of commanders, the inhabitants in particular were pleased. Clinton was in general disliked ; he was haughty, morose, churlish, stupid, and scarcely ever to be spoken with. On the contrary, Knyphausen was in high esteem as

a good soldier, an experienced general, an honest man, of easy access, and of great humanity. No wonder the change was agreeable, a greater contrast between two characters can scarcely exist.<sup>1</sup>

The winter of 1779 was the severest ever known in the middle colonies. It may not be amiss to take some notice of it. The snow began to fall about the 10th of November, and continued almost every day till the middle of the ensuing March. In the woods it lay at least four feet upon a level. It was with the utmost difficulty that the farmers got their wood. The towns in general were distressed for the want of fuel, the garrison in New York particularly so. How serviceable would the wood left at Rhode Island have been upon this occasion. The neglect of its removal was now seen and lamented. It was, however, too late to remedy. All the wood upon New York Island was cut down. The forest trees planted in gardens, in court yards, in avenues, along lanes, and about the houses of gentlemen by way of ornament, shared the same fate. Quantities of apple trees, peach trees, plum trees, cherry trees, and pear trees, were also cut down. The situation of the army and inhabitants in this distressful season was a sufficient justification for the proceeding; necessity required it. This the proprietors well knew, and as necessity has no law, they never complained, grumbled, or even murmured.

<sup>1</sup> By the treaty with the German princes for the use of their troops, Great Britain engaged to pay £10 for every dead man, and for every man that should not be returned at the end of the war; and every two wounded men (though ever so slightly), were to count for a dead one. In 1786 she paid for the loss of Germans in America during the war £471,000. There must then have been expended during the rebellion 15,700 of them. They were never as numerous as the British, and a large number returned to Europe after the war. The scratch of a finger in a German was called a wound. He was carried to the hospital, and John Bull paid for him as the half of a dead man.

They were, however, never paid. It was an emolument to the Barrack-master. The Crown was charged. John Bull paid his debts.

This winter was intensely cold, the rivers, creeks, harbours, ports, and brooks were all frozen up. The bay of New York, and from thence up the North River to Albany, was mere terra firma. It was equally so in the East River for a long way up the Sound. It was so strong, that deserters went upon the ice to Connecticut from Lloyd's Neck, upon Long Island, the distance more than 12 miles. The Sound at New Haven, which is 30 miles from Long Island, was frozen over, about two miles in the middle excepted, and these two miles were congealed and filled with particles of ice. A particular event is striking. From New York to Staten Island the distance is about ten miles. From Long Island to New Jersey the bay is about six miles wide. The tide from Sandy Hook to New York, through the Narrows and the bay, is violently rapid. No man living ever before saw this bay frozen up. Yet so intense was the cold this winter, and the bay so hard frozen, that 200 sleighs laden with provisions, with two horses to each, escorted by 200 Light Horse, passed upon the ice from New York to Staten Island in a body. In many places large quantities of water-fowl were picked up by the inhabitants, so frozen as not to be able to take wing. A very remarkable story, if true, was told. I do not aver it as a fact, the report was current, and as the man bore a good character, it was generally believed. He was a substantial farmer upon Staten Island, his name Goosen Adriance. The case was this. He went out in the morning upon his farm, which adjoins the water, and going along the shore, he observed a par-



cel of ducks sitting erect and in their proper posture. Not moving as he approached, it surprised him. He walked up to them, found them stiff, and as he supposed perfectly dead; he carried them home, threw them down upon the table in his kitchen, where a large wood fire was burning, and went into the next room to breakfast with his family. Scarce was the breakfast over when a great noise and fluttering was heard in the kitchen. Upon opening the door how great the surprise. The supposed dead ducks were all flying about the room. A gentleman who had been a prisoner in Connecticut, and returned from thence the very last of April, said that the snow on the north side of the fences, from Middletown to New Haven, was more than a foot deep. This was never known in that part of America before, at least after the English settled there. The harbours, rivers, and waters about New York were frozen up. Not a ship could move. Had the rebels thought of an attack, now was their time. The ice was strong, hard, and firm. The rebel army, with their heaviest artillery, stores, provisions, and baggage, might have passed the Hudson with as much ease as they could have marched the same distance upon dry land. An attack was threatened, Knyphausen expected it, and he took every precaution necessary for a vigorous defence.

Upon this occasion the inhabitants of New York manifested a noble and a loyal spirit. They went in a body to General Patterson, then Commandant of the city, and offered to embody as a militia for its defence, and in case of an attack, implicitly to follow the orders of the Commander-in-Chief. The offer was accepted. General Tryon, as civil Governor, granted the necessary commissions, *and 6,000 men in five days, entered as*

*volunteers.* The officers consisted of the first gentlemen of rank, fortune, and reputation in the city. Arms were supplied them from the royal arsenal. The whole put themselves into regimentals at their own expense. They exercised three times a week, and by the spring, were as expert as any regiment in his majesty's service. They continued embodied until Lord Shelburne's peace in 1783, when they disbanded of course. They could be of no further service. His Lordship had given the country away. Nor did he make a term, a stipulation, or a condition, in favour of the loyalists who had, at a great expense, hazard, and loss, supported the royal cause for more than six years. A company of Highlanders, in the New York militia, dressed in the habit of their country, and commanded by a loyal Scot, an inhabitant in New York, one Norman Tolnice, made a most respectable and warlike appearance. The officers consisted of gentlemen of the first rank, and the privates were composed of respectable merchants, traders, private gentlemen, and well to do mechanics. They were all inhabitants of New York.

In the spring of 1779, two reputable, substantial farmers in the township of Oyster Bay, in Queens County, on Long Island, in the province of New York, had information lodged against them by one Green Carryer, a fellow of an infamous, abandoned character, a refugee from Albany, where he had lived several years before the war, in the capacity of a day labourer. Ireland was the place of his nativity. He came to America passage free, was sold, served his time, and became now, (to serve his own purposes) a warm loyalist. Upon the breaking out of the war, he left Albany, came within the British lines, settled in the

neighbourhood of the two farmers before mentioned, and as a refugee, was allowed rations for himself and family. The information was made to General Birch, who then commanded at Hempstead. No oath was made, or required, as to the truth of the information. The farmers were charged with being rebels, though they had sworn allegiance to the king after the conquest of Long Island, had certificates of the same, and pardons from the courts. One of them was at this very time, serving by virtue of a commission under the Crown as a lieutenant in the Queens County militia. The other was a trooper in a company of horse, raised in the same county by a commission from General Tryon. They were also charged with having hoarded up large quantities of corn in order to raise the price upon the army. Nothing could be more false ; it was a contrivance to ruin the two farmers, and the character of Carryer was to be established, fully established, as a noted loyalist. Birch received the information. No inquiry was made as to the real character of the farmers. No trial was had. The farmers never heard, and were totally ignorant, of the accusation. A quartermaster, with forty men, six wagons, and Green Carryer, were sent of an evening, to search their houses and fetch away their corn. Had the detachment been sent in the morning, the business, the rascally business, might have been performed, and the party returned to their quarters by noon the same day. The distance is but ten miles, and the road as smooth and even as a floor.. Birch, however, thought it necessary that the party should be out for a night at least, and they made the use it was intended for. That night all the poultry houses in the neighbourhood, were broken open, and robbed ; as many geese, turkeys, dunghill

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fowl, ducks, guinea hens, sheep, lambs, calves, and pigs, were the plunder of the night, as completely filled two wagons. In the morning the farmers' corn was seized upon. Four wagons contained the whole. It was nothing more than what all farmers reserve for planting, and feeding their horses with, in the plowing season. The whole was carried to Hempstead in triumph. The corn was deposited in Birch's stable. He took his choice of the poultry, and the rest was divided among the regiment. The two farmers made frequent applications for payment, proved their characters, produced undeniable evidence that the informer was a most notorious liar, and of an infamous, abandoned character. They were never able to obtain payment for their pillaged corn. They were obliged to purchase other corn at an extravagant price, or their farming business could not have been carried on. On the other hand, Carryer was applauded, caressed, and noticed, by Birch and his adherents. He had a rebel farm given him, with liberty to cut down all the wood, and dispose of it to his own use and advantage. The two farmers (one a militia officer, the other a trooper) upon their application for pay, were turned about their business, cursed for rebels, and threatened with the prevost. A pretty method this, of reclaiming the deluded, and conciliating the affections of his majesty's disaffected subjects !

An extraordinary and surprising exertion of the power of Congress shall be now related. In the reign of Charles the Second, a grant had passed the Great Seal to William Penn, for all that tract of land in North America, now known by the name of Pennsylvania. Besides a grant of the soil, all the powers of Government were vested in the grantee, (the Crown

reserving only a trifling quit-rent, and the right of approving the appointment of a Governor.) Vast quantities of this tract of land had been disposed of by the original patentee and his descendants, and settled upon under a quit-rent of so much an acre, the annual produce of which, at this time, amounted to a very large sum. Extensive and valuable tracts of land, however, included in the boundaries of the letters patent, remained still unsold, and the absolute property of the descendants of the original proprietor. One of the family, of late years, always resided in the province as Governor of the Colony. The annual salaries of the offices in the Government, in the absolute disposal of the proprietors, or their Governor, amounted to at least £70,000 per annum. A noble patronage this! The proprietors besides, appointed their own Privy Council, as well as a Legislative Council. The representatives were chosen by the people. In a word, the powers of the proprietors, and the income of the colony, were superior to half the principalities in Germany. John Penn, was, when the rebellion commenced, one of the proprietors and Governor of the Colony. His brother Richard, another of the proprietors, lived also at Philadelphia, the metropolis of the proprietorship, (a large, opulent, extensive city, situate upon the Delaware, about 100 miles from the sea), and were both married to American ladies. The rest of the proprietors lived in England. John, the Governor, took no part in the controversy, but acted the part of a mere neutral. His father-in-law, William Allen, Esq., formerly Chief Justice of the province, was a violent incendiary. His brother, Richard, avowed himself a friend to the American cause. Philadelphia was the seat of Congress. The last petition by them present-

ed to the Throne, was intrusted to the care of Richard Penn. His examination before the House of Lords, upon that occasion, shows how favourable his sentiments were to the revolted colonies. The proprietors in England were none of them in Parliament, held no offices under the Crown, nor ever took any part in favour of Britain against America.

In 1777, Congress, by a resolution of their own, divested the Penn family of all the powers of Government, and the liberties, privileges, and emoluments, granted them by the royal charter, without any compensation whatever, and converted the government from a kind of monarchy into an absolute republic, and every office which was in the appointment of the proprietors, they made elective and dependent upon the suffrages of the people at large. This, it seems, was not sufficient, and Congress therefore, in 1779, passed another resolution, by which they divested the proprietors of all their quit-rents, with the whole of their unappropriated, unlocated, and unsettled lands, in the province, of the value of at least £500,000 sterling, and vested the same in the State of Pennsylvania, to be disposed of in such manner, and form, as the Legislature of that State should think proper, for the benefit of the good people thereof. In doing this, however, they looked upon themselves as bound in justice to make the family a compensation. They accordingly resolved that the State should pay to the proprietors, in lieu of their property (thus unjustly taken from them), the *amazing* sum of £130,000 sterling, to be paid in instalments without interest, and the first payment not to commence till ten years after the end of the war. Was there ever a greater piece of injustice, of villany, or dishonesty than this?

Deprive a family of the powers of government, of a patronage worth £70,000 per annum, without the least compensation, and of private property to the value of £500,000, in consideration of £130,000, payable in instalments, without interest, and to commence ten years after the war! Thus did Congress, by an arbitrary, despotic, and assumed power, reduce to indigence, and almost beggary, a family possessed under the Crown of powers, privileges, emoluments, immunities, and a revenue, superior to half the princes in Germany. Was this justice? Did the proprietors deserve this treatment from their hands? Were any of the family consulted in this business? They were not. Congress made their own bargain, Congress took away the estate, and Congress stipulated the consideration money. If the proprietors ever get £10,000 of the stipulated sum, they may think themselves well off. Congress might, with as much propriety, have taken away all the unimproved and uncultivated land throughout the thirteen colonies, though granted by the Crown, and vested such lands in the several States in which they lay. Had this been done, much would not have been thought of the other. But to fall upon one family, and that a family of friends, too, dispossess them of their property, and leave all others in possession of theirs, is a species of such bare-faced partiality, villany, and dishonesty, that no body of people, crowned head, or government, (the American Congress excepted), were ever guilty of.

However, not to be behind hand with Congress, the Legislature of the Colony of Maryland, shortly after, passed an act, by which they deprived and divested Mr. Harford, the devisee of the late Lord Baltimore, the proprietor of the province, of all the powers

of government, patronage, quit-rents, and vacant, unsettled lands therein. Mr. Harford was at this time in England, a minor, and a ward in chancery; and what is worthy of remark, the Governor, the Senate, and the House of Representatives by whom this law was passed, were all tenants to Mr. Harford. They held their lands under him, and paid him an annual rent. Thus did these men provide for themselves, to the prejudice of the real, and legal, owner.



## CHAPTER XVI.

BEFORE I enter upon the transactions of the year 1780, I will entertain my readers with a chapter upon commissaries, quarter-masters, and barrack-masters.

After the battle of Brookland, in August, 1776, a number of horses and wagons were wanted for the use of the army during the remainder of the campaign. Upon the first application the inhabitants upon Long Island, whom General Howe, in his letter to the Minister by Major Cuyler, acknowledges were in general loyal, and had been forced into rebellion against their inclinations, in a few days furnished the number wanted. These wagons and horses went with the army to New York, thence to the White Plains, in Westchester County, returned to New York Island, and after the reduction of Fort Washington, into, and through, New Jersey as far as Trenton, upon the banks of the Delaware. In the course of the campaign, which did not end till the middle of December, a number of the wagons were ruined or destroyed. Many of the horses died, were killed, disappeared, or at least, were never returned to Long Island. Of this the quarter-master took an advantage, and refused to pay (let the evidence be ever so clear) for the horses and

wagons lost in the service, or for the time of their being therein, unless the owners could produce the drivers to swear to the loss, and to the time of their being in the King's employ. As numbers of the drivers had, during the campaign, either died, been killed, deserted, or not returned, a number of the inhabitants lost not only their horses and wagons, but the pay which they were legally entitled to, during their continuance in the service. Application upon application was made to the quarter-master. To some he gave fair promises; others he cursed and damned. Some he turned out of his house; to many he was invisible, and numbers he threatened with the prevost for being rebels. No redress was ever obtained; no satisfaction was ever made. Nor was a single sixpence ever paid to any of the numerous set of claimants. The quarter-master pocketed the whole.<sup>1</sup> This occasioned great grumbling among the inhabitants, and well it might. Usage like this they had not even experienced from rebellion itself, for whenever employed by its authorities, they received regular pay for their services. But to be thus treated by the army of their Sovereign, to whom they had maintained their allegiance in spite of every oppression, even at the risk of their lives, was a cruelty, an injustice, and such an act of dishonesty, as they had little reason to expect. Had the King, the nation, or the country, benefited by the transaction,

<sup>1</sup> Richard Floyd, Esq., Colonel of the Suffolk Militia, by virtue of a commission from Governor Tryon (as loyal a subject as ever the king could boast of), had two horses worth sixty pounds, and a wagon worth twenty pounds. They were in the service from August to the middle of December, 1776. The wagon and horses were never returned, nor was the Colonel ever able to procure payment for the same, notwithstanding many fair promises were made him. Let the quarter-master for 1776 account for a conduct like this. Governor Tryon interfered personally, applied, and was assured the Colonel should be paid. Yet he never was. The promise of the quarter-master of that campaign was a "*vox et præterea nihil.*"

the people would have been satisfied. But when they knew that their property was unjustly withholden from them in order to fill the purse of a greedy, peculating quarter-master, it is no wonder they complained. They had justice on their side.

However, while the poor defrauded farmers were ruminating this matter in their heads, and complaining of the hardships among themselves, the spring of 1777 approached. Another campaign was to take place. A number of wagons and horses would of course be wanted. Upon Long Island they principally depended. The quarter-master applied to the justices in the several towns, the justices summoned the inhabitants of each town to meet at a certain place on a certain day. When collected together the intention of the respective meetings were made known. An universal clamour took place. They bitterly inveighed against the usage they had received from the quarter-master during the former campaign, and much trouble seemed to be foreboded in a speedy collection of the number of horses and wagons wanted for the ensuing campaign. To make all things easy, and to prevent all disputes which might thereafter arise between the quarter-master and the proprietors of horses and wagons, it was at length, after a good deal of altercation, agreed, "that a book should be opened, that all "the horses and wagons should be appraised by indifferent persons, that the names of the owners, and "the valuation of the horses and wagons, should be "entered in this book; that a person should be employed by the quarter-master to keep an exact account in the same book, of the losses of all horses "and wagons during the campaign, so that each person might be paid for the use of his horses and

"wagons from the time of their entry to the time of "their loss." And the same book was to show the valuation which the proprietor was to receive in case of loss, besides his daily pay, which was fixed at 12 shillings sterling a day. The quarter-master was to provide drivers. This matter being settled, the horses and wagons were soon provided. They went into New Jersey with the army, returned with it thence to Staten Island, there embarked, and landed, after a voyage of six weeks, at the head of the Elk. From thence went on to Philadelphia, where they continued until its evacuation, and then proceeded with General Clinton through the Jerseys to New York, where the army, being put into quarters, and the campaign for 1778 (as supposed) at an end, the inhabitants applied for a return of, and pay for, their horses and wagons, while in actual service. But how great was their surprise, to be informed that their horses and wagons had been all "purchased" by the quarter-master. That it was in consequence of such "purchase" that a valuation had been made of them when they entered the service, and that he was ready to pay each man according to that valuation. This made a great noise, much clamour, some threats, and an universal uneasiness. It signified nothing. The quarter-master was positive. There was no civil law, the proprietors of course without redress. Tenders of the appraised value were made. The most indigent thought it prudent to accept the cash. But the wealthy farmers, consisting of above three-fourths of the whole, spurned at the rascally proposal, treated it with contempt, and refused the sums offered, determining to prosecute for justice whenever the king's courts should open. (Nobody, at that time, had the least conception that Great

Britain would ever grant independency to the revolted colonies.) The quarter-master's fortune was now established. Long Island had been an Indostan to him, and he returned to England (if I may be excused the expression), a Nabob of the West. A difficulty, however, still remained before he left New York. At least three-fourths of the owners of the horses and wagons had refused to receive the sums tendered. He of course from them had no receipts. An expedient was soon found out. The drivers were all employed by the quarter-master, and consisted chiefly of run-away negroes. When he paid these drivers their wages, he took receipts from them as if they had been employed by, and in the service of, the owners of the horses and wagons, and artfully inserted in the receipts the valuation of the wagons and horses of which the fellows had been the drivers, as so much money paid them in full of the demands of the owners. This answered his purpose, for among the quarter-master's vouchers for the campaigns of 1777 and 1778, now remaining in the pay office, are an amazing number of receipts for large sums of money, signed with the marks of Cato, Cæsar, Scipio, Pompey, Jack, Tom, Harry, Quash, Cuffee, Quamino, &c., &c.<sup>1</sup> Let us now calculate the amount of the pay of the horses and wagons during the campaigns of 1777 and 1778, and an estimate will soon be found of the sum realized by the quarter-master during that time. Supposing the number of horses and wagons employed amounted to 600, (a calculation rather small, as General Clinton, in

<sup>1</sup> I was acquainted with this circumstance by the Commissioners of Accounts, of which Sir Guy Carleton was the President, before whom I had a long examination, and, if I remember right, it is mentioned in one of their reports to Parliament.

his letter giving an account of his march through New Jersey, says, "The baggage wagons, in the line of "march extended ten miles in length,") at 12 shillings sterling, each wagon and pair of horses, from the 1st of April, 1777, when they were entered, to the 1st of September, 1778, when they returned to Long Island, it will amount to the enormous sum of £171,600 sterling. And then supposing each wagon and pair of horses to have been valued upon an average at £30 sterling (which is rather high), and supposing the quarter-master to have paid for all (which was not the case, as at least three-fourths of the proprietors refused the sums tendered), the whole would amount to but £18,000 sterling, which being deducted out of the £171,000 sterling, will leave a clear balance in favour of the quarter-master of £153,000 sterling. Let this matter be fairly and candidly considered, and it must appear to a demonstration, that the quarter-master, allowing all expenses for drivers, &c. (and most probably their pay was all charged to the Crown), did not, in 1777 and 1778, realize less than £150,600 sterling. He was also quarter-master for two years at Boston, and during the campaign of 1776, in the provinces of New York and New Jersey. What an amazing sum such a prolific genius must have made in such a time! If the horses and wagons were really hired at a stipulated sum (which I aver to be the fact), the owners ought in honour, justice, and equity, to have been honestly paid. If they were really purchased, why were they not purchased on behalf of the Crown? The answer is plain. The nation, by such purchase, would have saved £150,000 sterling, which the quarter-master, by claiming them as a purchase of his own, pocketed himself. The quarter-master now resigned, returned

to England, made large purchases, and lived in the style of a prince. Upon his resignation, all the horses and wagons were sold to his successor, by which a further clear gain of not less than £18,000 sterling was also made. In 1779, (having been in office about a year), the successor returned, having followed the example of his predecessor with some *small* improvements, as rich as a Jew. In 1780, a third returned (and having had all the benefit of the war to the southward), with double the fortune the two former had made. In 1781, the fourth returned with his ill-gotten plum. Thus went the money of John Bull. No wonder he grew tired of the American war. In April, 1782, Sir Guy Carleton arrived at New York as Commander-in-Chief, and before the fifth had fairly completed his fortune, made such a slashing through several departments, as put an end to all further plunder and peculation during the continuance of the army in America.<sup>1</sup>

Upon the evacuation of New York by the rebels, and possession of it taken by the British army in 1776, the barrack-masters were ordered to provide quarters and fuel for them during the ensuing winter. All the

<sup>1</sup> To show what amazing fortunes were made during the American war, take only the two following instances: Jonathan Hampton, a common carpenter in New York, about a year before the rebellion broke out was a bankrupt, and took the benefit of an Act of Insolvency, and delivered up all his effects to his creditors. He was employed in the Engineer's Department; his pay was 20 shillings a day. He went to England at the end of the war worth 50,000 guineas. William Butler, who, when the war commenced, was not worth £10 in the world, was employed as a clerk in the Commissary General's office at ten shillings a day. In 1779, he married his only daughter to a captain of a man-of-war, and laid down 10,000 guineas as a marriage portion. In 1781 he came to England, where he had lodged £40,000 sterling in the funds. If such people could make such amazing fortunes in so short a time, what estates must have been made by those commissaries, barrack-masters, and quarter-masters, who were really gentlemen, and countenanced by the commanders-in-chief in all their transactions.

houses within the city of New York, upon the island of New York, Staten Island, and as far eastward as Jamaica upon Long Island, whether the property of Loyalists who had left them when the rebels had the possession, or of persons who had abandoned them upon the flight of the rebel army, which were not wanted for the accommodation of the general officers, were seized upon by the barrack-masters and filled with soldiers. Kings College, three large, elegant Dutch churches, two Quaker meeting houses, two Presbyterian churches, and two large brew houses, in the city of New York, with the Dutch church at Harlem, upon York Island, were appropriated to this use. Three Dutch churches and two Presbyterian meeting houses upon Staten Island shared the same fate. Upon Long Island the Dutch churches at Brooklyn, Flatbush, Gravesend, New Utrecht, Bushwick, Flatlands, New Lotts, Jamaica, and Newtown, were applied to the same use; as was the Presbyterian meeting house at Newtown, and that of the Quakers at Flushing. These were kept by the barrack-masters during the whole of an eight years' war; and though the Crown was regularly charged for the hire of them in all the barrack-masters' accounts, and paid for them as debts due from government, the proprietors never got a farthing. The whole was pocketed by the barrack-masters.

These gentry also took possession of all the wood land upon York Island, Staten Island, and upon Long Island along the Sound, for more than sixty miles in extent, with what lay in the county of Westchester adjoining Harlem River, which divides that county from the island of New York, which either belonged to rebels who had left their estates upon the



evacuation of these islands by the American army, or to Loyalists who had been obliged through the persecution of the rebels when in their possession, to abandon them and take refuge in different parts of the country. These woods were, in the course of the war, all cut down by order of the barrack-masters, carried to New York, and applied as fuel for the use of the army. Wood-cutters, wood-pilers, carriers, cartmen, wagons, ox carts, drivers, overseers, and inspectors, were employed for this purpose. Trifles were allowed these people by the day. Being an ignorant set of people, consisting of Germans who spoke little English, of negroes, and Indians, who could neither read nor write, they made their marks to every receipt the barrack-masters thought proper to offer. They received their wages, but knew not the contents of the papers to which they affixed their marks. By this contrivance the nation was cheated out of amazing sums, — and the signatures of Tom, Dick, and Harry, produced as vouchers for the payment of the several articles as charged in the barrack-master's accounts. All the wood has been regularly charged to the Crown, as wood purchased for the use of the army at so much the cord, the whole of which went into the pockets of the barrack-masters ; the real proprietors never got a sixpence. There was cut and carried to New York from Lloyd's Neck, upon Long Island, and charged to the Crown, as much wood as amounted at least to £60,000 currency, and as much from Morrisania in the county of Westchester. Upon the whole, the wood cut off of what were called "rebel farms" upon the islands aforesaid, in the course of the war, and charged by the barrack-masters as purchased for the use of the army, did not cost the nation less than £600,000. If it was

real rebel property, it belonged to the Crown. If it was the property of Loyalists the owners should have been paid for it. If to the former, what right had the barrack-masters to charge it as a debt due from government? if to the latter, why was the money withheld from the real owners?

As large tracts of these wood lands lay upon Staten Island, along the Sound upon Long Island, and in Westchester on the main, the most expeditious mode of transportation was by water. A Water Commissary was therefore for that purpose appointed, who had his deputies, overseers, inspectors, &c., without number. A large quantity of shipping was purchased for this use; not less than 100 sail, consisting of brigs, sloops, and schooners. A Commodore, at the request of the Admiral, was commissioned to superintend this Water Barrack-master Department. All the vessels employed in this business were the sole property of the barrack-masters and the Commodore of their fleet. No vessels were taken upon contract, all were purchased, and all the property of the gentlemen last mentioned. Not more than one half was ever in employ at a time; all, however, were in full pay. In June, 1780, General Robertson, then civil Governor of New York, ordered, by a proclamation, every freeholder within the counties of Richmond upon Staten Island, and those of Kings, Queens, and the westernmost part of Suffolk upon Long Island, to cut a certain number of cords of wood, according to the quantity upon each farm, and by a certain day to cart and deliver it at the several wood yards, or landing places, in the proclamation mentioned. The price he limited at sixteen shillings, New York currency, for oak, and 28 shillings for hickory. Wood yards were

established at Jamaica, Flushing, Newtown, Hempstead Harbour, Oyster Bay, Brookland, and Flatbush, upon Long Island; to each of which a deputy barrack-master and overseer, and an inspector, were appointed. The same was done at Watson's and Decker's ferries upon Staten Island, the whole of which forms the county of Richmond. Such of the inhabitants as lived contiguous to landing places, had orders to carry their wood there, where a deputy was present to receive it, persons to pile it up, and an inspector to view it. From these landing places the wood was transported, by orders from the barrack-master's commodore, by some part of his fleet, delivered at, and deposited in, the wood yards at New York. By a corporation law of the city of New York, every cord of wood is to consist of four cartman's loads; which carts, as to their dimensions, and the length of the wood, and the height to which it is to be piled, are all ascertained by the same act. The wood during the whole of the war was all delivered in, and received at, the wood yards according to the measurement settled by the corporation, that is, four regulated cartman's loads to each cord. Yet, surprising as it may seem, it is nevertheless a fact, that all the wood delivered out from the respective wood yards for the use of the army was no more than three cartmen's loads to each cord. This was called by the cartmen in New York, by the name of "a barrack-master's cord." By this means, one-fourth part of all the wood procured for the use of the army during the whole war was appropriated to the sole use of the barrack-masters, and though a great part of the wood was cut off of rebel farms, and cost nothing, and what was purchased from the Loyalists, no more than 16 shillings a cord for oak, and 28 shil-

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lings for hickory nut, yet these harpies, openly, and publicly, sold the cabbaged part to the citizens in New York at the enormous price of £4 a cord for oak, and £5 10s. 0d. for hickory nut.<sup>1</sup> And though this was a fact well known, universally spoken of, and occasioned a great deal of clamour and uneasiness among the inhabitants, yet no steps were ever taken for the prevention of so horrid an imposition until the arrival of Sir Guy Carleton, who soon abolished the infamous fraud. No wonder the former commanding Generals connived at this piece of wickedness, when it is a well-known fact, that the mistresses, the little misses, and favourite dulcineas, of Clinton, Robertson, and Birch, were all supplied with large quantities of wood, by their orders, out of the wood yards in New York, and were regaling themselves in routs, dinners, little concerts, and small parties, over good, warm, comfortable fires, and enjoying all the ease and luxury in life, while the poor soldiers, (for whom the wood was provided) were, with their wives and children, perishing in the barracks in the severity of winter, for the want of that fuel to which they were entitled, and which had been (instead of being properly appropriated) lavished away, and distributed, among strumpets, panderers, favourites, and pretty little misses.

Another department was also established, that of a Commissary of forage. The principal had 30 shillings sterling a day; he had twenty deputies, clerks and attendants, in this office; their pay from 15 shillings to 8 shillings sterling a day. Collectors of hay throughout all Long Island, Staten Island, York Island, and

<sup>1</sup> I spent my winter in 1780 in New York, had my wood from the wood yards and paid £4 for oak, and £5 10s. 0d. for nut, and for a cord received three cart man's loads only, instead of four as established by a law of the corporation.

part of the county of Westchester, were employed by this Commissary, their pay 20 shillings a ton for all the fresh hay, 10 shillings for all the salt hay procured; their expenses were, besides, all paid, and rations allowed for themselves and families. A collector of this kind could with great ease, and no expense, make his £50 a day. To dispose of the hay properly when collected, stack yards were appropriated in which the hay was lodged; a very large one in New York, 3 upon Staten Island, 2 in the lower parts of Westchester, and not less than 15 upon Long Island. Each of these yards had an inspector, an overseer, a weigher, and a number of stackers. The inspectors had 16 shillings a day, the overseers 14 shillings, and the stackers 5 shillings; all had rations. This was the case as to the country stack yards. The inspector at New York had a guinea a day. He boasted of it as a sinecure, and well he might, for he never visited the yard twice during the whole war. Had he constantly attended, appearances might have been saved. It would have been, however, of no service, for being brought up in the navy, and after that employed in a mercantile way, he scarcely knew the difference between fresh hay and salt. But he was the brother of a sister married to a General, and was of course indulged to make something handsome out of a trading rebellion. There were also people employed by this office, distinct from the hay collectors, to procure straw for the use of the army, and as many straw yards were provided as hay yards, as many officers employed in the collection, with salaries, and rations, equal to those employed in the former. Others were again employed to procure Indian corn, oats, buckwheat, rye, and bran, for the use of the horses employed in the service; and to this

part of the department a number of officers were also appointed, with rations and pay. But not content with the money made in the aforesaid several ways, a more material and profitable one was substituted. The collectors of hay, straw, oats, corn, &c., gave certificates to the persons of whom they purchased, of the quantity and price. These certificates were signed by the collectors, directed to the Commissary, and to be by him paid. When the bearer of a certificate appeared, a mighty bustle was made in the office, and all the appearance of an amazing hurry in business. The certificate being shown, a receipt was produced and tendered for signing, couched in the following words :  
“ Received this            day of            17            of George  
“ Brindly, Esq., Commissary of Forage, the sum of  
“            for            weight of fresh hay,            weight of  
“ salt hay,            weight of straw, for            bushels of  
“ Indian corn, for            bushels of oats, for  
“ bushels of rye, for            bushels of buckwheat, and  
“ for            bushels of bran, as witness my hand the  
“ day and year above written.” If only 10 bushels of  
oats, or 500 weight of hay, were to be paid for, a receipt like the above with all the blanks therein was to be signed by the receiver. The country people in general, not apprehensive of any imposition, fraud or deception, signed them upon the receipt of their money really due, without any hesitation whatever. If a gentleman made (which frequently happened) any difficulty in signing these blank receipts, he was told a person was employed purposely to fill them, that he was just gone out, would be in within a few moments, and he was desired to sign the receipt, that it might be filled up the moment the proper clerk came in. Many people were thus taken in. No sooner was the

receipt signed, than the Commissary paid you the amount, pulled off his hat, made you a bow, and wished you a good day,<sup>1</sup> after which no gentleman could with propriety stay, and the Commissary remained in possession of his blank. How these blanks were filled up I leave John Bull to guess, and the public to find out how the enormous sums raised for the American war were lavished away.

There was also a Commissary of Cattle, or a provider of fresh provisions for the use of the army. This man had also his deputies, clerks, cattle purchasers, cattle keepers, cattle feeders, &c. The Commissary, his clerks and deputies, had from one pound ten shillings, to 15 shillings a day. The cattle purchasers so much per head, the cattle keepers so much per week, and the feeders a certain sum per day; all had rations. The cattle when purchased, and either not immediately wanted, or not fit for killing, were pastured with cattle keepers, who gave a receipt for the number in gross. It was therefore very customary among these cattle keepers, (in which no doubt the Commissary had a large share) to sell the best of the cattle to the butchers at a high price, and to purchase and substitute poor, lean, cattle in the place of those sold. This was a business followed with great avidity by the Commissary and his cattle feeders. I was told by a gentleman of the first character for veracity and reputation upon Long Island, that one of these cattle feeders, to his certain knowledge, sold a pair of fat oxen for £120, in the room of which, he had substituted, and put into the King's herd, to keep up the number, two old cows, poor and lean, and worth not more than £15 at the

<sup>1</sup> Judge Jones was served in this manner; he mentioned it in all companies in New York, and swore to the fact before the Commissioners of Accounts in London.

utmost. All the persons who received cash from this department also signed blank receipts, which were filled up by the Commissary as he thought proper, and no doubt as much to his advantage as possible. The whole of the departments in the Commissary line knew each other, and played into one another's hands. John Bull paid for all. It was a trading rebellion, and every one made the most of it. The Commissary of Forage, and the Cattle Commissary,<sup>1</sup> were both Bostonians, as cunning, artful, and hypocritical, as the devil himself.

Another method these Commissaries had of making money. Their collectors of hay, purchasers of cattle, &c., gave certificates upon their principals in favour of the persons of whom they had made purchases. These being in general common farmers, wanted their money. When they applied with their certificates no money was to be had. To travel 20, 30, 40, 50, or perhaps a 100, miles, was expensive. This the Commissaries well knew, and that the farmers would soon grow tired of the expense, trouble, and loss of time. They had their agents dispersed about the country, who advised the farmers to dispose of their certificates at a discount rather than be at the trouble and expense of frequent journeys to New York, to no purpose, and perhaps losing the whole at last. By such means, and by such artifices were the country people prevailed upon to dispose of their certificates, which was in general done at a discount of from 20 to 50 per cent., the profits of which were divided in, certain proportions, among the Commissaries, their deputies, and agents. It is true this was no imposition upon the Crown, but it was a most horrid one upon the farmers.

<sup>1</sup> George Brindly and Abiah Willard.



There was also a Commissary of Artillery, with his deputies, clerks, &c. Not less than 500 horses were employed in this department; they were purchased at about £15 per head, which amounts to £6,000; the purchases were not made, (as they ought to have been) at the expense, and on the behalf, of the Crown, but in the name of the Commissary himself. All these horses were fed at the expense of the Crown, were kept in stables seized upon as rebel property, for which no rent was paid, the Crown heavily charged, and the accounts paid. The Crown was also charged with the hire of the horses, (the property of the Commissary) at the rate of 20 shillings sterling per pair a day, which amounts to £53,750 sterling per annum. No wonder Commissaries in this department every two years returned to England richer than half the princes in Germany, leaving successors to make their fortune in the same manner!

Was I to enumerate the numberless instances of this kind, I should tire my readers with a repetition of the villany of mankind. A few more, however, of the most flagrant kind, shall and must, nay, justice requires that they should, be made known to the public, that the honest Englishman may know the purposes for which he was so enormously taxed during the American war. The rebel Generals, after they had taken possession of New York, Long Island, and Staten Island, in the spring of 1776, employed themselves in barricading, and heaving up works in, the streets of the city, in building forts, batteries and redoubts, making intrenchments and running lines from one place to another upon the whole of York Island, all along the Long Island shore opposite the city, and for about three miles back into the country, upon all the hills and eminences proper for the purpose.

Several forts, batteries, and redoubts, were also erected upon Staten Island. These cost the rebels nothing. The whole was performed by the soldiers under the direction of their engineers, who received their bare pay only. Upon the reduction of these islands all these works fell into the hands of the British army. The General, by the advice of the principal engineer,<sup>1</sup> his confidential friend, ordered all these forts, batteries, and redoubts, with two or three exceptions, with the barricadoes erected by the rebels, to be demolished, and the lines and entrenchments filled up and levelled. The performance of this business was committed to the care and direction of the aforesaid engineer, and to pull down what the rebels had erected at no expense, cost John Bull more than £150,000 sterling, £100,000 of which, the confidential friend put into his own pocket, returned to England, purchased one of the genteel houses in Portland Place, a noble country-seat in Surrey, set up his carriages, had a house full of servants in rich livery, and lived in all the splendour of an eastern prince. In 1779, General Clinton, then Commander-in-Chief in America, thought it necessary not only to rebuild all the demolished fortifications upon Long Island, but to add several large additional ones. The inhabitants of Kings, Queens, and the westernmost parts of Suffolk County, were obliged, at their own expense, to cut down upon their own estates, and with their own teams to convey to Brookland, as many fascines, faggots, planks, logs, palisadoes, &c., as the engineer thought proper to direct. A number of these people lived at the distance of 10, 15, 20, and some at more than 30, miles from the scene of action. Not a farthing was ever paid them, either for their

<sup>1</sup> John Montresor, Esq.

labour, their wood, or travelling expenses. This, however, was not all, the militia of Kings and Queens were obliged to act by rotation, as labourers, in building these forts, a certain number from each company being weekly employed upon this service. They were allowed the same rations as are allowed to common soldiers when upon duty, but not a single sixpence by way of pay was allowed to a soul of them. But what is still worse, (if anything can be worse) the Colonels of the two counties, Axtell of Kings, and Hamilton of Queens, fined all the defaulters who could not give a satisfactory reason for their non-attendance upon their respective terms of duty, and as the fines were the property of the two Colonels, few excuses were judged satisfactory, £5 for the first offence, £10 for the second, £15 for the third, and the prevost for the fourth. This was in consequence of their own absolute orders. Our militia law was expired, our courts of justice were shut up, and the powers of the civil law and civil magistrates abolished. In case of refusal to pay the fine a militia officer was ordered to distrain, who in general took threble the value of the sum demanded. This was sold at public auction. As the Colonel and his officers, the distrainers, were generally the bidders, nobody dared to bid above them, and the distrained goods were disposed of at about one-third of their real value. From this injustice no remedy was to be had, as no civil law was in being. The erecting of these forts, though all the wood was supplied, and all the labour performed, by countrymen at their own private expense, cost the nation at least £100,000 more, with which the engineer returned to England, settled in splendour, and lived in taste enjoying every luxury in life.

In 1780 it was thought necessary (nobody, the Generals excepted, knew for what) to rebuild all the demolished forts that had been built by the rebels upon New York Island, and to add a number of new ones. This was done, the work was performed, that is the labouring part, by the inhabitants of New York. The General also thought it necessary (for his own safety no doubt, as no one else apprehended any danger) to have beacons erected all round the island, a circumference of at least 30 miles, and upon every hill, mount, or eminence, upon the island. Not less than 300 of the beacons were erected, with a tar barrel upon, and a guard to, each, to give timely notice of the approach of an enemy. In this business another £150,000 was expended, and another engineer returned to England in possession of his plum. As a further security to the General's person, 25 galleys were purchased and moored in a line in the North river within 50 yards of his Excellency's quarters. With the city surrounded by men-of-war, and armed ships, with 25 armed galleys in his rear, a Captain's guard in his front, 300 beacons upon the island ready to set fire to upon an alarm, 20,000 good troops upon York Island, at Kingsbridge, upon Long Island and Staten Island, with at least 10,000 militia and refugees, embodied and perfectly disciplined, he thought himself pretty secure, wallowed in the arms of Mrs. Badely, entertained the daughters of Blundell,<sup>1</sup> with a few of his sycophants, panderers and dependents, in *almost* perfect tranquillity. In 1781, when

<sup>1</sup> Christopher Blundell, formerly butler to the General's father, George Clinton, when Governor of New York; for many years afterwards, and until the breaking out of the rebellion, door-keeper and messenger to the Council, and was now butler to the Commander-in-Chief, Sir Henry Clinton.

Washington and Rochambeau were at the White Plains, not more than 14 miles from Kingsbridge, with about 6,000 men, he never attempted to beat up their quarters, though his force was the same as the preceding year, but lay still in New York, suffered the allied army, consisting of about 6,000 Frenchmen and rebels, to continue at the White Plains for six weeks, break up their encampment, march to Peekskill, cross the Hudson, pass through New Jersey, and proceed to Virginia, without the least molestation whatever. Instead of which, his engineers were set at work upon Long Island, York Island, at Kingsbridge, and upon Staten Island, and before the arrival of General Carleton, had actually expended as much in building fruitless fortifications, making intrenchments, forming lines, and covering land with water, as cost the nation not less than £300,000 sterling. General Carleton upon taking the command soon put an end to this baby house play. It was however too late for the good of the nation. The business was done, the money was gone. Three or four more engineers, in consequence of the above-mentioned operations, returned to England as rich as Jews. Thus went the money of Great Britain. For this were, and still are, the subjects of the kingdom so amazingly taxed to this very day; and by such means as these did the American war exhaust the treasury, end in the dismemberment of the empire, and almost in the total ruin of the nation.<sup>1</sup>

<sup>1</sup> The British Plutarch, in the character of Mr. Granville, the projector of the American Stamp Act that made such a noise in the world, says, "that for the short time he had the management of the public revenues the strictest economy was observed to reduce the national debt by a strict scrutiny into the demands of those rapacious vultures the commissaries in the last war, from whose accounts he cut off six millions which otherwise would have made a part of the national debt." A minister of the same spirit might, with justice, at the close of the Ameri-

Upon the close of the campaign, in 1776, there were not less than 10,000 prisoners, (sailors included) within the British lines at New York. A Commissary of Prisoners was therefore appointed, and one Joshua Loring, a Bostonian, was commissioned to the office, with a guinea a day, and rations of all kinds, for himself and family. In this appointment there was reciprocity. Joshua had a handsome wife. The General, Sir William Howe, was fond of her. Joshua made no objections. He fingered the cash, the General enjoyed madam. Everybody supposing the next campaign (should the rebels even risk another) would put a final period to the rebellion, Loring was determined to make the most of his commission, and by appropriating to his own use nearly two-thirds of the rations allowed to the prisoners, he actually starved to death about 300 of the poor wretches before an exchange took place, which was not till February, 1777. And hundreds that were alive at the time were so emaciated, and enfeebled, for the want of provisions, that numbers died upon the road on their way home, and many lived but a few days after reaching their habitations. The war continuing, the Commissaryship of Prisoners grew so lucrative that, in 1778, the Admiral thought proper to appoint one for naval prisoners. Upon the French war, a Commissary was appointed for French prisoners. When Spain joined France, another was appointed for Spanish prisoners. When Great Britain made war upon Holland, a Commissary was appointed for Dutch prisoners. Each had his guinea a day, and rations for himself and family. Besides, the prisoners

can war, have deducted *twelve millions sterling* from the respective commissaries employed in that country, which would have been a saving of so much to the nation, and the harpies left in the possession of large, ill-gotten wealth besides.

were half starved, as the Commissaries filched their provisions and disposed of them for their own use. It is a known fact, also, that whenever an exchange was to take place, the preference was always given to those who had, or could procure, the most money to present to the Commissaries who conducted the exchange; by which means large sums were unjustly extorted, and demanded, from the prisoners upon every exchange, to the scandal and disgrace of Britons. We had *five* Commissaries of Prisoners when one could have done all the business. Each Commissary had a deputy, a clerk, and a messenger, in full pay, with rations of every kind. It may be presumed, and that with great reason, that the Commissaries of every kind, Barrack-Masters, Quarter-Masters, Engineers, &c., within the British lines at New York, during a seven years' war, did not cost the nation less than *five millions of money*. But when it is considered that besides the several departments at New York, there were similar ones at Philadelphia for a year, at Rhode Island for three years, in New Jersey for eight months, in Boston for two years, in Georgia for four years, in South Carolina for three years, in North Carolina for one year, in Canada for the whole war, and in Virginia upon different expeditions at different times, upon the whole at least two years, that the blood-sucking harpies did not swallow up less than *twenty millions sterling* of the money raised by Great Britain for the support of the American war.

## CHAPTER XVII.

IN the spring of 1780, General Sir Henry Clinton laid siege to Charleston, the capital of South Carolina, but his army not being large enough completely to invest the place, he sent to New York for four thousand more troops, who, being instantly despatched, arrived in time. The investment was now completed, the siege carried on with vigor, and Charleston surrendered early in May upon articles of capitulation. General Lincoln, with four thousand Continentals, became prisoners of war, and a large body of militia shared the same fate. Immediately after the surrender, Lord Cornwallis was despatched to Camden, upon the frontiers of North Carolina, with a considerable detachment of the British army; established several posts about the country, and strongly fortified and garrisoned Camden, where he deposited the stores and provisions of the army. A party of rebels being at Wrexham, his Lordship ordered Colonel Tarleton with a detachment of horse to attack them. The Colonel marched 105 miles in two days, and presenting himself before the place, offered the garrison the same terms upon which Charleston had surrendered, which being refused, an attack was made with vigor, attended with success, and the place taken. One hundred




rebels were killed, a hundred and fifty badly wounded, and a hundred taken prisoners. Their cannon, colors, stores, and baggage, fell into the hands of the victors. The whole colony was surrendered, the inhabitants all came in, renewed their oaths of allegiance, and returned to their duty as loyal subjects. It would have been wisdom, prudence, and policy, in the Commissioners to have now restored the colony to the King's peace, opened the courts of justice, and reinstated all the civil officers, from the Governor down to a petty constable. It would have had a wonderful effect in favour of Britain. It was done in Georgia upon its surrender the year preceding. Why it was not done in South Carolina seems a mysterious kind of business. It was attended in the end with the most fatal and pernicious consequences. Can the Commissioners give a reason why the inhabitants of Carolina, upon their return to their allegiance, were not as equally entitled to their restoration to the liberties and privileges of Englishmen as their neighbors of Georgia? I never heard a reason given. Instead of restoring the Carolinians to the King's peace, and reviving the civil law upon its surrender to Britain, an indiscriminate plunder throughout the province was permitted, in which all were sufferers. The consequence of which was a second revolt, and upon Lord Cornwallis's marching through North Carolina and entering Virginia in 1781, and upon the arrival of General Green nearly about the same time with a rebel army in South Carolina, the inhabitants in general, (disgusted at the cruel, inhuman usage they had met with from the British) joined the standard of rebellion. Post after post was taken, or abandoned, and in a short time the British army in South Carolina was obliged to take refuge under the

very walls of Charleston, where they continued cooped up, and half starved, until its evacuation in consequence of orders from the new Ministry, which took place early in 1782. Similar conduct was allowed in New Jersey in 1776, when that whole Colony submitted to Great Britain, and similar consequences ensued. Lord Cornwallis then commanded in Jersey. He at this time had the command in South Carolina upon its submission. He knew the consequences that followed a universal, general, indiscriminate, plunder in New Jersey. He had a precedent before his eyes. Notwithstanding which, the same measures were pursued, the same steps taken, and the same fatal consequences ensued. A fatality attended all the British proceedings during the whole of the American war.

Upon the reduction of Charleston, and the submission of South Carolina to the obedience of Britain, General Clinton embarked with 10,000 of his best troops, the flower of the army, and sailed for New York. Lord Cornwallis was left in Carolina as Commander with about 5,000 men, out of which Charleston and several other posts in the Colony were to be garrisoned. With the remainder, and such provincials as could be raised, his Lordship's orders were to conquer North Carolina, and penetrate into Virginia.

In the beginning of June, 1780, General Knyphausen, who was then Commander-in-Chief in New York, entered New Jersey at the head of an army consisting of several thousand men, determined to bring Washington to a general battle, or drive him out of the province. He proceeded as far as Springfield, about 30 miles from Elizabethtown, the place where the British army landed. Knyphausen was several times during his march attacked by the rebel militia, in conjunction

with detachments from the Continental army. The rebels were always repulsed, and lost many men. The British lost some. Washington must have come to a battle, or given up the colony. A fair battle was all the old German wanted. He now thought himself sure of it. But fortune favoured Washington during the whole war. It now appeared in his favour again in a most conspicuous manner, for towards the latter end of the month, while the British and rebel armies in New Jersey were in the situation before described, General Clinton arrived from Carolina with 10,000 troops, and landed upon Staten Island. Whether Clinton thought that Knyphausen would gain too much honour should he force Washington to battle, defeat him, and break up the rebel army, or by what other motives induced, is known only to himself and his privy council. He instantly upon his arrival, recalled the army from New Jersey, and ordered it to repair to Staten Island. It did so, and when the junction was formed, Clinton's army consisted of about 16,000 good troops. It was yet early in summer. Something grand was expected before the close of the campaign, "*Sed montes parturiunt et nascitur ridiculus mus.*" The army being properly recruited after the fatigues of the siege of Charleston, of a sea voyage, and of the campaign in New Jersey, were embarked on board the transports, with a thundering train of artillery, and stores of every kind. Every man's mind was upon the strain. Some conjectured one thing, some another, but all agreed that a grand blow was to be struck in some quarter or another. At length the fleet sailed, and bent its course up the Hudson. The general supposition now was, that the river was to be taken possession of, and occupied from New



York to Albany, and the communication between the eastern and western colonies totally obstructed. Nothing could distress rebellion more. The western colonies, in a great measure, depended upon the eastern for their beef and pork, while the eastern colonies, almost wholly, depended upon the western for flour and grain. The obstructing the communication, which the possession of the Hudson would effectually do, was therefore an object of great consequence, and of the utmost importance to the British cause, and would have been a most effectual means of distressing rebellion.<sup>1</sup> But to the surprise of everybody, the fleet anchored at Phillipseburgh, about 14 miles from New York, in the County of Westchester, upon the eastern bank of the Hudson. The army landed and encamped, and the transports were sent to New York. The men-of-war, galleys, and armed ships, formed a line of sixteen miles in length upon the river, to prevent Washington, who lay upon the western side of the river with not more than 8,000 men, from passing and beating up the British General's quarters. The British camp was also strongly fortified. General Clinton had with him at this time little less than 16,000 men, the greatest part of them flushed with the victory and honour they had gained in the siege, and reduction, of Charleston, and the whole province of South Carolina. From Clinton's encampment parties were daily sent out, who robbed the poor inhabitants of their cattle, their horses, their hogs, their sheep, their poultry, their garden stuff, their Indian corn, their hay, their household fur-

<sup>1</sup> Had General Howe, in the spring of 1777, instead of his wild-geese expedition to the head of the Elk, taken possession of the Hudson, and formed a junction with Burgoyne's army, then penetrating from the northward, that very year, I am bold to say, would have terminated the American rebellion.

niture, in short, of every thing they could lay their hands upon ; burnt houses, barns, and stables ; insulted women, and imprisoned their husbands. Thus suffered the innocent farmers who had nothing to do with the controversy. A noble employment this, for a British army of 16,000 men, under the command of a British General sent to America to crush a rebellion !

In the summer of 1780, a French fleet under the command of Monsieur De Ternay, with about 4,000 men commanded by Monsieur Rochambeau, arrived at, and with the consent of Congress, took possession of, Rhode Island, having accidentally and luckily escaped the English squadron, then at sea under the command of Admiral Arbuthnot, and in every point superior to the French. Arbuthnot, finding that De Ternay had eluded all the precautions he had taken to intercept him, and got safe to Rhode Island, returned to Sandy Hook. But, being determined either to bring the Frenchman to an engagement, or to block him and his fleet up, in Rhode Island, and wanting seamen, the squadron not being fully manned, he wrote to the Chamber of Commerce in New York to procure him a supply. The request was immediately communicated to the inhabitants. And to the honour and loyalty of New York let it be perpetuated, *that within 24 hours, 2,000 seamen, all volunteers, were procured,* sent to Sandy Hook, distant 30 miles from New York, and properly distributed in the several ships. The British, through the exertions of the loyalists in New York, being thus fully manned, sailed the next day for Rhode Island, and closely blocked up the French fleet. This done, he sent an express to General Clinton, proposing an attack as soon as possible upon the French fleet and army, in conjunction with the British

army, who were to land and attack Monsieur Rochambeau, while the British fleet attacked that of the French. The French army were at this time but just arrived, were sickly, had erected no fortifications, nor cast up any works worth mentioning. Clinton could have carried with him 12,000 men, without risking the safety of New York in the least. The success of the enterprise was undoubted. A noble achievement it would have been. Ten French men-of-war, with an Admiral's flag, either taken or destroyed, and a French army of 4,000 men, with an experienced General at their head, made prisoners of war. What answer was given to the proposal is uncertain. Express after express arrived from the Admiral, pressing the matter in the most urgent terms, and entreating the General to use the utmost despatch. In about a month after the first express, Clinton ordered the transports up the Sound as far as Frog's Neck, about ten miles distant from his encampment on the North River. As soon as the transports arrived, he decamped, sent a part of his troops to New York, and with the remainder marched to Throg's Point, embarked, and sailed up the Sound. Great things were now expected; nothing less than the destruction of the French fleet, and the capture of Rochambeau and his army. But to the disappointment of every one, with a wind as fair for Rhode Island as it could blow, the whole fleet came to an anchor in Huntington Bay,<sup>1</sup> about 30 miles to the eastward of

<sup>1</sup> This bay is formed by Lloyd's Neck on the west, and by Eatons Neck on the east, both of which project a considerable distance into the Sound. The water is deep enough for the largest man-of-war, the anchorage good, and the bay secure from almost every wind. This bay is large enough to contain the whole navy of England. From the bay, through a narrow passage, you enter Huntington Harbour, which is a large basin, land-locked on every side. At the head of the basin stands the town, a decent, complete, pretty place, with an Episcopal church, and

Throg's Point, upon the Long Island shore. In this bay he continued as long as the wind remained fair (about a fortnight) for Rhode Island, where the enemy lay. As soon as the wind dropt about, and blew fair for New York, the signal was made, the anchors weighed, the sails unfurled, and to the mortification of every loyalist within the British lines the fleet moved to the westward. Several regiments were landed upon Long Island, at Whitestone, about 14 miles from New York, and encamped. The remainder went to New York and there disembarked. Those who encamped upon Long Island, robbed and plundered the inhabitants, for at least ten miles round, of their apples, Indian corn, buckwheat, and garden stuff of all kinds; pulled down and burnt their fences; and if any person had the resolution to complain, he was damned for a rebel, and threatened with the prevost.

The army having returned and taken up their quarters in New York, and upon Long Island, the Commander-in-Chief took it into his head to go down the Island by land, and hold a personal conference with the Admiral upon the propriety of attacking Rhode Island. To favour the journey, and prevent danger, the grenadiers and light infantry of the army were ordered to take post at Huntington, Smithtown, Brookhaven, and Southhold, four towns bordering on the Sound. This precaution prevented all danger. No force from New England was able to encounter the several parties. The precaution was extremely necessary. Had the

Presbyterian meeting-house. The entrance into the basin, and the basin itself, are not unlike those of Portsmouth. No vessels above 200 tons can enter the harbour, but for all coasters, and small sloops, it is a most commodious, safe, and secure retreat in case of bad weather.

Commander-in-Chief been taken prisoner, his exchange would have cost Britain 1,300 men. He was, besides, *beloved* by the whole army, was amazingly *popular* among the inhabitants, almost *adored* by the loyal refugees, and upon his continuance at the head of the army, as his pensioners gave out, the very salvation of America depended.<sup>1</sup> The fleet under Admiral Arbuthnot was at this time at anchor in Gardiners Island Bay, an island in the Sound not far from Southhold. The grenadiers and light infantry having taken possession of the several posts allotted them, the Commander-in-Chief, with his suite, escorted by the 17th Light Dragoons, set out from New York, and with great safety travelled down the island. Upon his arrival at Southhold, he despatched an aid-de-camp to the Admiral, desiring a conference. An answer was returned that an attack upon Rhode Island was now too late, that the enemy had strongly fortified themselves upon the island, were perfectly recruited from the fatigues of their voyage, and their fleet formed in such a position as rendered an attack not only doubtful, but extremely hazardous. That he was going upon a cruise; had given the necessary orders for sailing, and that he wanted no conference with a General so regardless of the honour and dignity of his sovereign, and the good and benefit of his country. The General returned to New York, the Admiral went to sea, both heartily disgusted with each other. The Grenadiers and light infantry also returned to New York. Thus ended the projected attempt upon Rhode Island, and thus ended the military operations on the

<sup>1</sup> This was asserted by Daniel Coxe, Esq., and others, in their letters to England, when the news first arrived at New York of the appointment of Sir Guy Carleton as Commander-in-Chief in America.



side of New York for the year 1780, while an army of veterans consisting of not less than 20,000 men lay inactive upon New York Island, and Long Island, the whole summer, and Washington, with about 7,000 men all the time in New Jersey, not more than 50 miles from New York. Good heavens! What would not some Generals have done in such a situation? Destroyed Washington's army, and put an end to rebellion.

In September, 1780, that part of the army which General Clinton, upon his return from Huntington, had landed upon Long Island, went into winter quarters; some at Flushing, some at Jamaica, and some at Newtown, upon the westernmost part of the island, where they robbed, plundered, and pillaged, the inhabitants, of their cattle, hogs, sheep, poultry, and in short of every thing they could lay their hands upon. It was no uncommon thing of an afternoon, to see a farmer driving a flock of turkeys, geese, ducks, or dunghill fowls, and locking them up in his cellar for security during the night. The whole day it was necessary for a person to attend in the fields where they fed, to protect them from the ravages of the military. Nay, hogs and sheep were obliged to be taken the same care of. It was no uncommon thing for a farmer, his wife, and children, to sleep in one room, while his sheep were bleating in the room adjoining, his hogs grunting in the kitchen, and the cocks crowing, hens cackling, ducks quacking, and geese hissing, in the cellar. Horned cattle were for safety locked up every night in barns, stables, and outhouses. This robbing was done by people sent to America to protect loyalists against the persecution and depredations of rebels. To complain was needless; the officers shared in the

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plunder. Though in each of these towns there was a barrack-yard stocked with wood for the use of the troops, yet in the course of the winter all the wooden fences, with many orchard and ornamental trees, for a circumference of at least four miles, were pulled up or cut down, and made use of for firewood, and all the inclosures laid open. This the officers never attempted to prevent. The rations of wood, which the soldiers should have daily received, were sold by the officers, and the money put in their own pockets. A Hessian erected a small house upon a vacant spot of ground in the town of Jamaica, and turned butcher. He sold as good beef, mutton, veal, lamb, and pork, as any other butcher in the town, and at so low a price that he got all the custom of the inhabitants. Well he might undersell his brother butchers, as they were obliged to purchase their cattle, while the Hessian was never known to buy once during the winter, and yet his shambles were every day as well, if not better supplied, than any other butcher in the neighbourhood. David Colden, Esq., an inhabitant of Flushing, a gentleman of the first character and reputation as to honesty and veracity,<sup>1</sup> told me that when the troops left that place in the spring of 1781, there was not a four-footed animal left in the town (a few dogs excepted), nor a wooden fence standing within the township. That he had himself a very fine, fat, stall-fed ox, which he intended killing at New Year's for his own use; that by way of security he had him every day at sunset put into his barn, and the doors secured with padlocks and iron bars; notwithstanding which, the doors

<sup>1</sup> A son of the late Lieutenant-Governor Colden. He was attainted for his loyalty, his estate confiscated, his wife and children maintained by their relations. He died in London in 1785 of a broken heart.

were broken open, the ox killed, cut up, and carried away ; the skin and the entrails they left in the barn. This was done in the night.

In August, 1780, three American loyalists, natives of New Jersey, who had served in some of the provincial corps upon Staten Island, were taken prisoners, lodged in jail at Freehold, in New Jersey, and indicted as traitors under pretence of their being subjects to the United States. They were tried, found guilty, and ordered to be hanged. A day was fixed for their execution. Of this, information was sent to General Clinton. In the prevost at New York, there were several persons who had, after the conquest of New York, taken the oaths of allegiance to the King, afterwards deserted, entered into the rebel service, and were taken in arms fighting against their lawful sovereign. Three of these rascals the Commander-in-Chief pointed out by name, and despatched a flag into Jersey to let the rebel powers know, that if the persons condemned there were executed, he would instantly order the three people mentioned in his letter to be executed by way of retaliation. The flag reached the place the very day of, but before, the execution. The letter was delivered to the commanding officer.<sup>1</sup> He laughed at it, ordered the men to the gallows, and executed them in the messenger's presence. The messenger returned to New York, and made his report to the General. Yet strange to tell, though an absolute fact, the three men mentioned in his letter were, in about ten days, exchanged as prisoners of

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<sup>1</sup> One David Forman, a Brigadier-General in the rebel militia of New Jersey, and a native of that State. He behaved during the war with such little mercy, and with such unbounded cruelty to all those even suspected of loyalty, that the Jersey loyalists gave him the nick-name of "Black David." He is, however, as a reward for his cruelty, honoured with the Order of Cincinnati.

war. A proof of the General's humanity, but not of justice, or of sound policy.

In the year 1780, soon after General Clinton's return from South Carolina, he ordered all Long Island to be surveyed, and every farm thereon to be laid down upon a map, with the name of every owner, possessor or claimant. The survey began at Brookland ferry, the very westernmost part of the island, under the direction of an experienced surveyor, attended with chain bearers, flagmen, servants, messengers, horses, provisions, and wagons. The survey continued until the capture of Lord Cornwallis and his army, in October, 1781, when it ceased, not one-fifteenth part of the business being completed. The intention of this piece of business nobody was able to unravel. Whether Clinton looked upon the war as at an end, and intended to dispose of Long Island as the property of the Crown, in right of conquest, as some leading men in the army frequently suggested was the case ; whether it was out of curiosity, orders from England, or to make the fortune of a favourite surveyor, is still a matter of doubt. But most likely the latter, as the whole of the American war, from its commencement to its final conclusion, was evidently levied at the treasury of Great Britain, and not at the suppression of the rebellion. Had there been as much pains taken to put an end to the rebellion as there was to plunder and rob the treasury, *two years* would have finished the war, saved the honour of the nation, and the Empire still been in statu quo. Instead of which, the war was protracted for *eight years*, one hundred millions added to the national debt, an inglorious peace concluded, independence acknowledged to rebellious subjects, and the Empire dismembered of thirteen rich and flourish-

ing colonies, while quarter-masters, barrack-masters, commissaries, and engineers, with a host of deputies and attendants, were yearly returning to England as rich as the Nabobs from the East. With this difference, however, that the Eastern gentry made their amazing estates by plundering the natives of the country, whereas our Western gentry accumulated theirs, not only by plundering his majesty's loyal subjects, the natives of the country, who they were sent over to defend and protect, but by a downright attack upon the British treasury. *Quid non mortalia pectora cogis auri sacra fames.*

In the fall of this year, 1780, General Washington, at the head of about 3,000 men, left Verplancks Point, in the County of Westchester, where the main body of the rebel army then lay, and marched down into the lower parts of the county upon a foraging party, and collected all the forage that could be found or procured. In this excursion he went to the White Plains, and Rye, two villages within 14 miles of the British lines at Kingsbridge, to Mamaroneck, within nine miles, to Scarsdale, and New Rochelle, within seven miles, and even to East Chester, not more than four miles from Valentine's Hill, the eastern extent of the British lines in that quarter. He was engaged upon this business for nearly a fortnight. General Clinton received every day an account of his proceedings, his position, and his force. Clinton could have collected, with the utmost ease, 15,000 veterans in 48 hours. Not a single step was taken to prevent, or frustrate, the designs of the rebel chief. His reasons are known to himself. Everybody was surprised at his conduct upon this occasion. Had he sailed up the Hudson with one-half his army, and landed at Tarrytown, upon the east

bank of the river, about 20 miles from New York, he would have been to the northward of the foraging party, and between them and their main body, which lay at Verplancks Point, consisting of about 4,000 men. The rebels could not have formed a junction. The foraging party must have fallen into his hands, or abandoned their forage, their wagons, and horses, and retreated into Connecticut. Nothing else could have saved them. The very gaining of the forage, with the wagons and horses, would have been an acquisition of the greatest importance, not only to the military, but to the Long Island farmers, upon whom the army, in a great measure, depended for their supply. The demands for this article were large. Every subaltern had his horse ; every captain two or three, and from a major to the Commander-in-Chief, from six to fourteen. The quarter-master had about 600, and the artillery-commissary as many more, their own private property. They were all fed at the expense of the Crown, and yet the Crown was charged a certain sum per day for every one of them. Had the forage collected by Washington been secured, which might easily have been done, the most salutary purposes would have ensued.

General Robertson, at this time civil Governor of New York, issued a proclamation the preceding summer, by which all the farmers upon Long Island were "ordered," "directed," and "commanded," to deliver into the several hay yards within the lines, the one full, complete half of all the hay they should respectively cut, whether fresh, or salt, during the season. Upon their performance of, and compliance with, these terms, he solemnly pledged his honour, and that of the Commander-in-Chief, that the other

half should not be meddled with, but should remain peaceably in the possession of the several farmers for their own use. The proclamation was faithfully complied with. The hay was delivered agreeably thereto. Notwithstanding which, the public faith, thus solemnly pledged by a Governor, sanctioned by a Commander-in-Chief in a proclamation dispersed about the country, was most scandalously broken, and the poor farmers had the greatest part of the remaining hay taken from them by force, and violence, and appropriated to the use of the army. Some few, who had the "impudence" to complain of this treatment, and breach of public faith, were made prisoners of,<sup>1</sup> and infamously dragged about the country. Had not divine providence taken more compassion upon the poor farmers than the Governor, the Commander-in-Chief, and the military, by blessing the country the ensuing winter with weather more open, mild, and warm than was ever before known, all the horses, horned cattle, and sheep within the British lines, the property of the inhabitants, must have fallen a sacrifice to this scandalous breach of public faith. Had the Commander-in-Chief done his duty, attacked Washington, taken his forage and brought it to New York, all this cruelty and injustice would have been prevented, the public faith saved, and the honour of the nation not shamefully disgraced. The General had an adviser, William Smith, Esq., in whom he placed implicit confidence, a pretended loyalist, a correspondent of some of the leaders of rebellion. By this man

<sup>1</sup> Micajah Townsend, a venerable old man of more than 80 years of age, who had, in his younger days, served his majesty as Captain in the militia—a man of fair character, and opulent fortune—was, for complaining of this breach of public faith, taken up, escorted under a guard of soldiers from his own house to Hempstead, at least 12 miles, and there detained as a close prisoner for several days.

Clinton was absolutely governed. By this man's advice the General lost America. Every relation of this man, from his brothers down to his third cousins, were engaged in the rebellion. His own conduct, from the commencement of the war until his return to New York, has been already fully and particularly mentioned, and the motives for his return explained.



## CHAPTER XVIII.

IN the autumn of this year, 1780, an occurrence happened in America that surprised all Europe. Washington, being gone into New England upon business with Governors and the leading men in those colonies, a General Arnold, of the rebel army, was left Commander-in-Chief of the garrisons at Verplancks, and West Point, in the Highlands, and of all the rebel troops in those quarters. They consisted of almost the whole of the Continental forces. Matters standing in this situation, Arnold sent a trusty messenger to Clinton, and proposed, not only to surrender the two forts, with all the artillery, ammunition, stores, and provisions, therein, but to deliver into his possession the whole rebel army then in those parts, upon certain conditions, which the British General agreed to.<sup>1</sup> Colonel Robin-

<sup>1</sup> All the artillery, stores, ammunition, and provisions in the two forts were to be the sole property of Arnold, and himself commissioned as a general officer in the British army. In Gordon's History of the American Revolution, this fact is mentioned. Arnold was bold, but mercenary, fond of parade, and extremely desirous of obtaining money to defray the expenses of it. When he entered Philadelphia, upon its evacuation, he made Governor Penn's house his head-quarters. It was the best house in the city. He furnished it in a most costly manner, and lived in a style far beyond his income. His funds were at length exhausted. He had been unsuccessful in privateering, and in trade. His creditors became importunate, while his lust for high life did not abate in the least. He had exhibited

son, of the Loyal American regiment, and Major Andrè, then Adjutant-General of the British army, were sent up the Hudson in a man-of-war, to hold a consultation with Arnold, and settle all the necessary preliminaries. In the mean time the British troops were collected at New York, and actually embarked on board the transports, that not a moment might be lost, after Clinton should receive notice of the plot being ripe for execution. Upon the man-of-war coming to an anchor a little below Verplanks Point, Major Andrè was, by a messenger from Arnold, desired to land; which he did in the evening "*under the sanction of a flag*," held a conference with Arnold, settled the method of carrying the scheme into execution, adjusted every preliminary, and was intrusted by Arnold with some papers and memorandums, necessary for the inspection and consideration of General Clinton previous to his leaving New York. Every particular being settled, Andrè proposed to return on board the man-of-war, in the same manner in which he came on shore, "*under the sanction of a flag*." Objections to this proposal were, however, made. The reasons were, as it has been suggested, that some gun-boats had fallen down the river, and lay between the forts and the man-of-war, and Arnold was afraid that the boat with Andrè might be stopped, searched, the Major detected, and the papers discovered. These reasons, I must confess, are rather puzzling. If the Major went on shore "*under the sanc-*

which he  
violated

heavy accounts and large demands against the public, and the Commissioners, upon examination, rejected about one-half. He appealed to Congress. A committee was appointed, who reported that the Commissioners had allowed him more than he was entitled to. This provoked him. Embarrassed in his circumstances, and having a growing family, he turned his thoughts towards bettering his fortune by new means. In consequence of which he entered into the treaty with General Clinton for delivering up the forts, &c.

"*tion of a flag*," and this Arnold in a letter to Washington positively asserts, why in the name of God could he not return on board again under the same "*sanction*"? Arnold was commanding officer of the forts, and of all the troops in that quarter. He, and nobody but he, in the absence of Washington, had the power there of granting flags, and flags once granted, are, by the law of nations, sacred and ever protected.<sup>1</sup> This odd piece of conduct, however, took place; unaccountable as it is, it nevertheless is literally true. Andrè, instead of taking the safe, easy, and expeditious method, of returning on board the man-of-war, as he came on shore, *under the sanction of a flag*, was advised to change his name, and take a pass from Arnold under a feigned name, and to proceed to New York by land. In pursuance of this preposterous measure, Joshua Hett Smith, Esq., full brother to William Smith, the then Chief Justice of New York, was intrusted, it seems, to conduct the Major to Tarrytown, upon the opposite side of the river, and put him on the proper road to New York. Here another piece of *unaccountable* conduct took place. Smith, after Andrè and he had left the house, advised him to change his regimentals for an old suit of homespun clothes; and this advice, perplexing to unravel as it is, Andrè, with all his sagacity and good sense, was

<sup>1</sup> This is the case in all civilized nations. It was disregarded, however, by the Americans during the late war. In 1778, Lieutenant Held, under the sanction of a flag, with despatches to Congress from the British Commissioners then at New York, was taken up, lodged in a jail, and loaded with irons, in which situation he continued for two years, when he made his escape and got to New York. Upon the capture of Fort Montgomery, in October, 1777, an officer under the *sanction of a flag*, with a message from General Clinton to the commanding officer of Fort Constitution, was fired upon, and compelled to return without delivering his message. Other instances might be mentioned, let these at present suffice.

prevailed upon to pursue, for what reasons nobody ever knew. Smith never explained them. The Major never had it in his power. Smith having conducted Andrè across the river, left him to pursue his journey to New York under a fictitious name, divested of his regimentals, and disguised in an old suit of country clothes. Smith and Andrè had not parted more than an hour, when the latter was apprehended by some militiamen, and notwithstanding the pass, which he produced,<sup>1</sup> was carried and delivered up to a Major Talmadge, of the rebel Light Horse, a near relation of Smith's. Had Talmadge any right to dispute the pass? It was in Arnold's handwriting. This, Talmadge well knew, and he as well knew that Arnold had the sole command in those parts, and of course the right of granting passes. Yet Talmadge, from what motives, or upon what information, is best known to himself, did dispute the pass, and as if well-knowing what he was about, he ordered the Major's boots pulled off. Here the secret papers were concealed and discovered. An express was sent to the fort with the intelligence. Arnold, finding how matters now were circumstanced, and Washington every moment expected, left his quarters, went to the river, took a boat, and went on board the man-of-war, under the protection of a flag. Why could Andrè not have done the same? It was the same ship in which he went up the river, and from which he landed. Washington arrived the same day, and received the news of Andrè being taken, (who now avowed himself the Adjutant-General of the British army), of the papers found upon him in Arnold's handwriting, and suspecting (as Arnold was not at

<sup>1</sup> He was called in the pass by the name of John Anderson. It was in Arnold's own handwriting.

his quarters), that he was endeavouring to make his escape, took the necessary steps to prevent it. It was, however, too late; Arnold was safe on board the king's ship.<sup>1</sup> In a few days thereafter he arrived in New York, and though no part of the conditions on his part had been performed, he was rewarded for this piece of loyalty, patriotism, or treason, (call it which you will,) with 6,000 guineas, a regiment, the rank of a General, an elegant furnished house to live in rent free, and was in a short time sent as Commander-in-Chief upon a lucrative expedition into Virginia, where he made above £10,000 sterling by robbing the poor, inoffensive farmers of their property. Upon the evacuation of New York in 1783, he went to England, and as a further reward for his *great merit*, had £600 sterling per annum settled upon him and his wife during their joint lives, and the life of the survivor. When the rebellion commenced, and this man entered the American service, he was an insolvent, not worth a shilling. That he was brave, courageous, bold, and decisive, in all his military operations, shall not be denied. If Great Britain, instead of expending £1,000,000 in pursuing the American war to no kind of pur-

<sup>1</sup> He went on board *under the sanction of a flag*, the very ship that brought André up. Why the Major was not permitted to do the same, Arnold and Joshua Hett Smith best know. André, in a letter to General Clinton, says, "The events of coming within the enemy's posts, and changing my dress, which brought me to my present situation, were contrary to my own intentions, as they were to your orders. The route I took to return, was imposed upon me without an alternative." This must have been done by Arnold's orders. Arnold, in a letter to Washington upon this occasion, says, "Major André came on shore in his uniform, without disguise, which, with much reluctance, and at my particular request and pressing instance, he was prevailed upon to exchange for another coat." Can the General give satisfactory reasons to the public for this conduct? It seems, as well from André's letter, as from Arnold's, that the fictitious name and change of clothes was an absolute order, and an order imposed upon André by Arnold.

pose, had applied, at the first, only £200,000 to the same uses as the money given to Arnold was, the whole rebel army, the Congress, and all the conventions, and committees, within the revolted Colonies, might have been purchased.

The Marquis De Chastellux in speaking of Arnold, expresses himself thus: "Arnold was brought up an apothecary by Dr. Lothrop of New York, (his mother being poor and unable to maintain him), who was at the same time a physician, surgeon, apothecary, merchant, and shopkeeper. When his time was out Lothrop gave him £500, and letters of recommendation to his correspondents in London, by which means he got a credit for some thousands, returned, and settled at New Haven, set up an equipage with ten horses, a carriage, and a number of servants, failed in two years, and was thrown into jail, from whence he was relieved by an Act of Bankruptcy. He then got with child, and married, a daughter of Mr. Mansfield, then Sheriff of New Haven, much against the father's will. A reconciliation taking place, Mansfield employed him as his supercargo to the West Indies, where he went every spring with horses, hogs, and cattle, and returned in the fall with sugar, molasses, and rum. In the winter he went to Canada as a kind of pedlar, selling coarse clothes, stockings, caps, mittens, cheese, &c. With the produce he purchased horses, returned to Connecticut, and in the spring sailed with his cargo to the West Indies."

Major Andrè, upon his capture already mentioned, was sent a prisoner to the rebel garrison at West Point. His case was referred to a board of general officers. They examined the particulars, reported him a spy,

and that by the law of nations he ought to suffer death. Steps were taken to prevent the report being carried into execution. Colonel Robinson very spiritedly wrote to Washington from on board the man-of-war, insisting upon Andrè's being a privileged person, in consequence of Arnold's pass, that he could not even be looked upon as a prisoner of war, and demanded his immediate liberation. Arnold also wrote to Washington to the same purpose, insisting besides, that as he was the commanding officer in those parts, in the absence of Washington, the right of granting flags and passes was in him, and that Andrè having such a pass when taken (given by him when Commander) ought to be discharged. But the pass being in a feigned name, and the Major taken, without his regimentals, in a suit of Smith's old clothes, the letters or pass had no effect, he was considered as a spy, and ordered for execution. Another attempt was, however, made to save the Major's life, for which purpose General Clinton, instead of sending a bold, spirited officer, with a resolute message, containing the proper threats, with a fixed determination of putting such threats into execution, should his demand be refused, (which might have answered his wishes, especially as he had then in actual custody not less than 20 of some of the principal inhabitants of South Carolina, who had after its conquest taken the oaths of allegiance, and after that entered into a conspiracy to retake the capitol by surprise) ; instead, I say, of taking this method, he sent General Robertson, the civil Governor of the province, a superannuated, worn out, timid, irresolute, forgetful, old gentleman, accompanied by Andrew Elliot, the Lieutenant-Governor, and William Smith, the Chief Justice, to remonstrate with Washington about the

case, and situation of Andrè. The Governor being a British officer was suffered to go on shore. The same indulgence was haughtily refused to Elliot and Smith. An interview upon the subject between Robertson and the rebel General Greene, deputed by Washington for that purpose, took place, and while the former was humbly expressing General Clinton's wishes that the Major's life might be saved, begging it in the most suppliant manner, as the particular request of the Commander-in-Chief, and submissively and meanly proposing to leave the matter to the decision of Rochambeau, the French General, and to Knyphausen the Commander of the Hessians, to wit, whether Andrè could be legally (according to the law of nations) deemed a spy or not, Washington hanged the man. Thus fell the unfortunate, the brave, the gallant Andrè. Clinton received the news with all that gloomy, sulky, insensibility so natural to his constitution. The following is extracted from a letter addressed to Sir Henry Clinton, and inserted in the New Jersey Gazette, of October 18th, 1780: "But leaving these matters, we find you in New York, returned from your stolen expedition, in all the pomp of an Eastern conqueror, swelled with the praises of your parasites, and flattered with the prospect of fresh marks of royal distinction. With such an army as you commanded, you looked forward to an active campaign in this quarter. But prevented from this by the exertions of the States, and confined to your garrison after the engagement at Springfield, you sat down gloomy and disappointed. You saw the campaign spending itself in abortive parade, when the powers of corruption were called on to close it in éclat. West Point was to be the object, and General Arnold its



“ betrayer. From what medium of intelligence you  
“ gained a knowledge of his principles, whether you  
“ argued from your own heart to his, or received it  
“ from himself, we shall leave to the better explanation  
“ of time ; nor shall we enquire why one so high in  
“ military reputation as Arnold, acquired too under  
“ such a splendour of circumstances, as justly entitle  
“ him to that rank which he held in Europe, should  
“ thus dispose of his fame, and his moral character. For  
“ the sake of human nature, it were to be wished that  
“ a veil could be thrown over such examples of de-  
“ pravity ; but from time to time, society is disturbed  
“ with their appearance. In Arnold’s situation, Crom-  
“ well would have acted as Arnold ; and could Clive  
“ have changed places with Arnold, Clive would have  
“ sold America, and Arnold would have exhausted the  
“ East Indies of its wealth, and bribed the British Par-  
“ liament to suffer him to spend a few years in wretch-  
“ edness and infamy. In these we see the composition  
“ of certain spirits, which as conjectures point, are  
“ considered as the ornament or disgrace, the pride or  
“ the pestilence, of mankind.

“ By the defection of Arnold, America has one  
“ enemy less, and you are not sure of one new friend.  
“ He that submits to one sale, may be tempted to  
“ another. If your nation can be pleased with this  
“ purchase, it must lately have experienced a conver-  
“ sion in favour of traitors. And should your army  
“ submit to his company, it is no longer at enmity with  
“ dishonour, perfidiousness is become sacred, and  
“ you must fear for your own safety. Such is the man  
“ you have bought, and it were wrong did America  
“ envy you his possession. But the exultation you en-  
“ joyed on this occasion was not that of a moment.

“ It was desultory, and fugitive, as the faint hopes of  
“ a dying sinner, whilst the capture of Major Andrè,  
“ your Adjutant-General, under the circumstances of a  
“ spy, and the failure of your scheme, burst upon your  
“ head like the discovery of a plot on that of a trai-  
“ tor. It was a dagger ready to be plunged into the  
“ heart of your enemy, planted in your own. Were  
“ the succeeding hours of your Excellency’s life to be  
“ burnished with the smiles of your Sovereign, they  
“ could not repay the distractions that followed. But  
“ they were distractions for yourself, in which Andrè  
“ had no share. But for this, and had you felt but one  
“ pang for his fate, there might have been those who  
“ would have even pitied your horrors.

“ It is not easy, Sir Harry, to estimate the loss you  
“ have suffered in Major Andrè. Your enemies were  
“ not insensible to his worth. Men of genius sympa-  
“ thized with him, and lamented that misguided zeal in  
“ the service of his Prince, which led to his punishment.  
“ Those who have toiled heretofore to betray the lib-  
“ erties of America, could lie, but he could not deceive.  
“ Others might display cunning, but he discovered  
“ wisdom. The utmost of your efforts was a bribe ;  
“ but he possessed a power that was superior, that of  
“ seduction. His talents were beyond most men’s  
“ virtue, and he had no enemy, but in the field of  
“ action. But great abilities have their fluctuations  
“ and limits, nor are they at all times of the same tem-  
“ per ; his failed him at that point, which would have  
“ completed his fortune, and created you a fame, to  
“ which you had no title. It is curious by what little  
“ incidents and unforeseen combinations great events  
“ are decided. But for three armed peasants of the  
“ State of New York, West Point and its dependen

“cies would have been at this hour in your possession;  
“for it is not probable, with an enemy within, and  
“your army without, that it could have been saved.  
“Let this instance of honesty rescue human nature  
“from infamy, and serve as a lesson to mankind; and  
“let the names of Paulding, Van Wart, and Williams,  
“who rejected an immense bribe with a grandeur of  
“soul infinitely superior to the baseness with which  
“Arnold received one, be remembered with the trophies of pride, while the monuments of false glory  
“are trampled on, or neglected.

“Mr. Andrè's rank and talents made his case peculiar. Your army, I am told, loved him. General  
“Washington admired him. The latter shed tears at  
“his death, while you, Sir Harry, scarce condescended  
“to show the cold formalities of an affected condolence. There remained but this to complete your  
“character, the torpor in which you heard the circumstances of his capture, and your unanimated efforts  
“to save him. His faithful services surely claimed  
“your utmost interposition; your own fame required  
“it, and your supposed friendship demanded it from  
“you as a right. But a vain self-importance filled  
“your heart, and you remained during the suspension  
“of his life with all the haughty majesty of your native sullenness. If you were withheld by a punctilio  
“from being more forward, I would not have possessed your place for a kingdom. But policy, (for who  
“will serve you in future), what you owed to Major  
“Andrè, (for his abilities supported your character),  
“and the general expectation of your army, dictated  
“every possible expedient in his favour. The very  
“army of your enemy wondered at your total privation of sensibility, and while they complied with the

“ laws and usages of nations, did justice to his magnanimity. ‘ Be my witnesses, (said he to them), while  
“ ‘ I acknowledge the propriety of my sentence, I die  
“ ‘ like a brave man.’

“ Had you aught of sentiment, Sir Harry, there  
“ would be no end to your afflictions ; had you a magnanimity like Andrè’s, you would, at least, have sacrificed your commission, could that have preserved  
“ his life. If to be great, is to be unfeeling, I ask not  
“ for greatness. If to see one’s best friend suffer  
“ without a tear, is characteristic of dignity, give me  
“ lowliness. If high stations teach men to believe that  
“ the abilities of others were only formed to forward  
“ their designs, and that friends should be no longer  
“ protected than they are thought to be useful, place  
“ me in a cottage and obscurity, and let me for ever  
“ be secluded from such men. But, alas ! it is the nature of power to attract and deceive, and, perhaps,  
“ there is no country without its Clinton.

“ But I leave you, Sir Harry, to sullen recollection.  
“ Your fame is finished, and I wish not to renew my  
“ address. October 4th, 1780.”

Arnold was caressed for the noble, virtuous part he had acted, Robertson thanked for his trouble and pains, while the amiable youth (poor Andrè) was in a few days forgotten. When the unhappy young soldier was acquainted with his sentence, he wrote a sensible, polite letter to Washington, modestly requesting that he might not die on a gallows, but receive an execution more worthy of a soldier, *that of being shot*. This last, this modest, this dying request of the gallant and amiable young officer, was cruelly refused. Instead of permitting him to suffer the death of a gentleman and a soldier, he was hanged like a dog, -

Washington, with Monsieur Rochambeau, General Wayne, the Marquis De Lafayette, and other rebel Generals, looking on, and witnessing the death of a brave young hero, who died, as he had ever lived, an honour to the profession of arms. By all the powers above, had I been Commander-in-Chief, and Andrè my first friend, my best adviser, and my bosom confidant, I would have sacrificed among the treacherous Carolina conspirators, but what his manes should have been appeased, and the murder of the great, the good, and virtuous youth, fully, amply, and completely revenged!

In order to save Andrè's life, and obtain his discharge, General Clinton had taken up and confined in the prevost, about 20 inhabitants of the city of New York and Long Island. He had the fullest evidence, the clearest testimony, that these people had carried on a treasonable correspondence with the rebels for many years, had acted as spies within the British lines, and given rebellion every information in their power. These fellows had, upon the reduction of Long Island and the city of New York, renewed their oaths of allegiance to the King, lived upon, and enjoyed their estates, protected by the Crown. A correspondence carried on by people thus circumstanced, giving every necessary intelligence to the rebels of the proceedings and designs of the Royal army, was, by the laws of Great Britain, under whose protection they lived, to all intents and purposes, treason. Governor Robertson was directed to acquaint Washington with this circumstance, and to assure him in the most peremptory manner, that in case Andrè was executed as a spy, every one of these men should share the same fate. Robertson accordingly assured the rebel chief,

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that this was Clinton's fixed and unalterable resolution. Washington knew the man, despised his threats, and hanged Andrè. But, though strange to relate, yet actually true, within ten days after the execution of Andrè, he, Clinton, discharged all these fellows from the prevost, suffered them to live upon their own estates, and that, without ever exacting a parole, or taking the least security for their future good behaviour. What could be expected from a Commander-in-Chief sent to America to quell a serious rebellion possessed of so little resolution, such indecision, and such rank timidity? No wonder the war ended as it did!

The execution of Andrè being over, the next step taken by Washington was to apprehend Smith as an accomplice with Arnold in his intended treason. He was accordingly taken up and lodged in jail. But not being in the military line, he was delivered over to the civil power for trial, being a subject to the States to whom he had sworn allegiance, and taken the necessary oaths required by the Constitution of New York upon its first formation, and had been from the commencement of the rebellion a most active, zealous, persecuting partisan of Congress. Many a poor Loyalist suffered under his vindictive hands. They were punished in person, and despoiled of their property. He was tried by a jury and honourably acquitted. Whether Arnold's letter in which Smith is exculpated from having any concern in his treasonable intention of delivering up the forts? whether his having persuaded Andrè to change his regimentals and put himself into disguise, with other suspicious circumstances relative to the Major's capture? whether the amiable character that he had ever before sustained among the

rebels as a violent persecuting Whig? or his near relationship to William Smith, Esq., then Chief Justice of New York, (being full brothers) contributed most to his acquittal, is uncertain. Shortly after his discharge from prison, he set out for, and got to New York, where he became (strange to tell) instantly transformed from a most notorious rebel into an unfortunate, poor, unhappy, young, persecuted, Loyalist. In consequence of which he was caressed by the Governor, noticed by the army, and pensioned by the General. If this youth could come under the character of one of his Majesty's deluded subjects "reclaimed," it may then be asserted with great safety, that he was the only one of those deluded subjects whom Robertson the Governor, Elliot the Lieut.-Governor, and Smith the Chief Justice, with all their pretended boasted influence, were ever able to "reclaim" from the time of their appointments, to the respective honours they severally enjoyed under the Crown in the spring of 1780, to the evacuation of New York, in the autumn of 1783.

Upon this event, Smith, as well as his brother the Chief Justice, came to England. In a few years the latter was made Chief Justice of Canada, with a salary of £1,200 per annum, besides the emoluments of his commission. He was also appointed one of his Majesty's Council for that province. He now procured for his brother Joshua so considerable an addition to his pension as enabled him to live like a gentleman; to keep his horse, his dogs, and his mistress; to frequent all places of public resort, and dress in the most elegant style. It must be remarked that though the Chief Justice and his brother were so caressed in England, and so amply provided for by the Ministry,

that neither of them had ever been attainted in America, nor their estates confiscated, nor lost a sixpence in consequence of the rebellion; while hundreds of poor Loyalists, who had lost their all in their attachment to their Sovereign, to the Constitution of Great Britain, and in their attempts at the suppression of a wicked rebellion, were left to starve, with large families, upon small trifling pittances allowed them by the Crown; while a number of others who had been in actual rebellion, in arms against their King, fighting for independency, and endeavouring to ruin the Constitution, were living in splendour and enjoying every comfort in life, in consequence of the large pensions granted, or lucrative offices conferred upon them, by the Ministry of Great Britain.

The Political Magazine, second vol., page 62, speaks of this affair as follows: "When Major Andrè went to consult with General Arnold, he was carried to the house of a Mr. Smith, brother to the Smith lately appointed Chief Justice of New York, and also brother to a Dr. Smith who went off the morning the soldiers fired upon the rioters; his negro wench was hanged for being concerned in the burnings. While Andrè was communicating with Arnold, he lived at Smith's house, and wore Smith's clothes; upon his return, Smith attended him. Just after Smith left him at Tarrytown, he was taken, and at that very time had on Smith's old clothes. He was tried for being concerned in Arnold's conspiracy. The trial turned out a farce. Smith was never punished. The Loyalists therefore believe that Smith betrayed Andrè, and are of opinion he never can clear up his character but under the gallows."

Let us now return to the southward. Lord Corn-



wallis having fortified Camden, left Lord Rawdon there as Commander-in-Chief, and returned to Charleston. In August, 1780, his Lordship received intelligence that General Gates, with an army of nearly 6,000 men, were approaching the borders of South Carolina, with intent to penetrate into that Colony, and attempt its recapture. An express was despatched to Charleston, and Lord Cornwallis in a few days joined Lord Rawdon. The British army, when mustered at Camden, consisted of 1,400 fighting men, some provincials, about 500 militia, and a few North Carolina refugees. Lord Cornwallis was determined, for many reasons, not to wait for Gates at Camden, and getting information of the situation of the rebel army, his Lordship left Camden at ten o'clock in the evening, and marched with intent to surprise Gates in his encampment. It is a little remarkable that Gates marched about the same time with the like intent of surprising Lord Cornwallis at Camden. They accordingly soon fell in with each other, to the no small surprise of both. A battle was the consequence. The Royal army proved victorious. As in former times, by former Generals, a day or two was not spent upon the field of battle, a pursuit instantly took place, and was continued for more than 20 miles. All the rebel artillery, 2,000 small arms, their military wagons, all their stores, baggage, provisions, with a number of wagons and horses, and all their standards and colors, fell into the hands of the victors; 900 of the rebels were slain, and more than 1,000 taken prisoners. The Baron De Kalb, a French General in the service of rebellion, and second in command, was mortally wounded and taken. The whole of the British killed, wounded, and missing, amounted to but 324. Among the slain, however,

were some brave officers. After this action, Congress never employed Gates, but dismissed him from their service. The British being returned to Camden, and refreshed for a few days, Lord Cornwallis sent Colonel Tarleton with 350 men to surprise and attack the rebel General Sumpter who had with him 1,000 men, (and in his possession several British prisoners, with their wagons and baggage, which he had intercepted and taken on their way to join Lord Cornwallis prior to the late battle) at the Catawba Falls, as he thought in perfect security, considering the great distance from Camden. Tarleton proceeded with his usual rapidity, and before Sumter apprehended an enemy in his neighborhood, he was surprised, and almost instantly defeated. In short it was nothing more than a slaughter and a rout, 150 rebels were killed upon the spot, 300 were taken prisoners, 2 pieces of cannon with all the small arms, baggage, and provisions, fell into the hands of the victors. Their military stores shared the same fate, and all the British prisoners in the possession of the rebels were retaken. The unhealthiness, and excessive heats of the season in South Carolina, prevented the activity of Lord Cornwallis after the decisive victory of Camden. Before his Lordship's march into North Carolina he met with some disappointments, disappointments, in his Lordship's situation, not easily, nay scarcely possible to be remedied. Colonel Ferguson, an active, zealous officer, with a large detachment from the Royal army, was surprised at the Hanging Mountain upon the borders of North Carolina; himself and 150 of his men were killed upon the spot, as many wounded, 800 taken prisoners, 1,500 stand of arms taken, with all their baggage, horses, wagons, and provisions. As for cannon they had

none. This was a most unlucky affair. His Lordship could ill spare the loss of so many men, and these veterans, inured to the service, and accustomed to the climate. This loss was in some measure, shortly after, compensated by a second attack made by Colonel Tarleton upon the rebel General Sumter, who at the head of 1,000 men was again surprised, put to the rout, totally defeated, himself wounded, three of his Colonels killed, and 250 of his men. As many were wounded, and equal numbers taken prisoners. In this surprise the rebels lost their baggage, their wagons, their horses, their provisions, and their cannon.

About the middle of October, 1780, General Leslie was sent from New York to Virginia with 3,000 men, in hopes of finding and joining Lord Cornwallis in that province. But discovering, upon his arrival there, that his Lordship was still in South Carolina, he left Virginia, sailed to Charleston, landed, and soon after joined the Earl at Camden with about 2,000 fresh troops. The remainder being chiefly invalids were left at Charleston. I shall now leave the operations of the military for the year 1780, and proceed to a recapitulation of those in the civil department on the side of New York, or of such as contain a kind of mixture of the civil and military lines.

EDITOR'S NOTES  
TO THE  
FIRST VOLUME  
OF  
JONES'S HISTORY OF NEW YORK.



## NOTE I.

### THE "INDEPENDENT REFLECTOR" AND THE "WATCH TOWER."

*Volume I., page 6.*

THE *Independent Reflector*, edited and mainly written by William Livingston, was published weekly for one year, beginning November 30, 1752, and terminating November 22, 1753. Parker, its publisher, then refusing to print it any longer on account of its violence and rancor. The *Watch Tower* was published in the New York *Mercury*, numbers 126 to 171, beginning November 25, 1754, and terminating November 17, 1755, and was of the same character.

Mr. Livingston endeavored to get printers in Philadelphia and in Boston to republish the *Independent Reflector*, but without success on account of its character. He consequently reprinted it himself, in 1754, as a volume, with a preface stating these facts, putting on the title-page "Printed (until tyrannically suppressed) in 1753," thus insinuating that it was stopped by the Government, or some one in authority, whereas the only cause was the refusal of the printers to incur the risks of legal liability, or to permit their presses to be used as the vehicles of Mr. Livingston's ambition, or of his political feuds and animosities. Neither the Governor nor the Provincial authorities ever took any notice of the *Independent Reflector*.<sup>1</sup> For the origin and object of the *Watch Tower*, see Note VII.

<sup>1</sup> N. Y. Hist. Soc. Collections, iii., p. 366, Letter of Hon. Samuel Jones.

## NOTE II.

THE ACT OF 1693 FOR SETTLING A MINISTRY, ETC.—“THE VESTRY OF THE CITY OF NEW YORK”—“THE VESTRY OF THE PARISH OF TRINITY CHURCH”—THE FIRST RECTOR OF TRINITY CHURCH.

*Volume I., page 7.*

THE annual sum to be raised by tax under this Act of 1693, in the city of New York, was £100 currency, or \$250. In the other cities, counties, and precincts, the amounts, somewhat less in proportion, were to be paid in “*country produce at money prices*,” as stated in the second section of the Act, which is printed here *in extenso*, as it is not easily accessible to the general reader. An amendatory Act, chap. 146 (Van Schaack's Laws, p. 64) of Laws passed in 1705, nine years subsequently, however, made all the amounts payable in money. The Act was passed in the Assembly on September 22, 1693, but not in the Council till the 24th of March, 1693-4, succeeding. In Smith & Livingston's Laws, p. 18, it appears as “passed 24 March, 1693,” that is, *old style*. In 1 Van Schaack's Laws, p. 18, it appears as “passed 22 Sept. “1693.”

*An ACT for Settling a Ministry, and Raising a Maintenance for them, in the City of New-York, County of Richmond, Westchester, and Queen's-County.*

Pass'd the 22d of September, 1693.

WHEREAS Profaneness and Licentiousness hath of late overspread  
 Preamble. this Province, for Want of a settled Ministry throughout the same: To the End the same may be removed, and the Ordinances of GOD duly administered;

I. Be it Enacted *by the Governor, and Council, and Representatives convened in General Assembly, and by the Authority of the same,*

That in each of the respective Cities and Counties hereafter mentioned and expressed, there shall be called, inducted, and established, a good sufficient  
 Protestant Ministers to be inducted, &c. to have Care of Souls in New York, &c.

Protestant Minister, to officiate, and have the Care of Souls, within one Year next, and after the Publication hereof,

*that is to say* ; In the City of *New York*, One ; in the County of *Richmond*, One ; in the County of *Westchester*, Two ; One to have the Care of *Westchester*, *Eastchester*, *Yonkers*, and the Manor of *Pelham* ; the Other to have the Care of *Rye*, *Mamarenock*, and *Bedford* ; in *Queen's* County, Two ; One to have the Care of *Jamaica*, and the adjacent Towns and Farms ; the Other to have the Care of *Hampstead*, and the next adjacent Towns and Farms.

II. AND for their respective Encouragement, Be it further Enacted *by the Authority aforesaid*, That there shall be annually, and once in every Year, in every of the respective Cities and Counties aforesaid, assessed, levied, collected, and paid, for the Maintenance of each of their respective Ministers, the respective Sums hereafter mentioned, *that is to say* ; For the City and County of *New York*, *One Hundred Pounds* ; for the two Precincts of *Westchester*, *One Hundred Pounds*, to each *Fifty Pounds*, to be paid in Country Produce, at Money Price ; for the County of *Richmond*, *Forty Pounds*, in Country Produce, at Money Price ; and for the two Precincts of *Queen's* County, *One Hundred and Twenty Pounds*, to each *Sixty Pounds*, in Country Produce, at Money Price.

The respective Sums to be raised for their Maintenance :

Cash to the Ministers of *New York*,  
But to the Country Ministers Country Produce.

III. AND for the more orderly Raising the respective Maintenances for the Ministers aforesaid, Be it further Enacted *by the Authority aforesaid*, That the respective Justices of every City and County aforesaid, or any Two of them, shall every Year issue out their Warrants to the Constables, to summons the Freeholders of every City, County, and Precinct aforesaid, together, on the second Tuesday of *January*, for the chusing of Ten Vestry-Men, and two Church-Wardens ; and the said Justices and Vestry-Men, or major Part of them, are hereby empowered, within Ten Days after the said Day, or any Day after, as to them shall seem convenient, to lay a reasonable Tax on the said respective Cities, Counties, Parish, or Precincts for the Maintenance of the Minister and Poor of their respective Places ; and if they shall neglect to issue their Warrants, so as the Election be not made that Day, they shall respectively forfeit *Five Pounds*, current Money of this Province : And in Case the said Freeholders duly summoned, as aforesaid, shall not

The method of raising the maintenance.

Vestry-Men and Church Wardens to be chosen.

Who shall lay a tax,

Or forfeit £5 each.



appear or appearing, do not chuse the said Ten Vestry-Men and two Church Wardens, that then in their Default, the said Justices shall, within Ten Days after the said second Tuesday, or on any Day after, as to them shall seem convenient, lay the said reasonable Tax, on the said respective Places, for the respective Maintenances aforesaid; And if the said Justices and Vestry-Men, shall neglect their Duty herein, they shall respectively forfeit *Five Pounds*, current Money aforesaid.

If Church Wardens, &c. are not chosen Justices to lay the Tax or

Forfeit £5 each.

IV. And be it further Enacted *by the Authority aforesaid*, That such of the Justices and Vestry-Men, that shall not be present at the Time appointed, to make the said Taxes, and therefore be convicted, by a Certificate under the Hands of such as do appear, and have no sufficient Excuse for the same; shall respectively forfeit *Five Pounds*, current Money aforesaid: And a Roll of the said Tax so made, shall be delivered into the Hands of the respective Constables of the said Cities, Counties and Precincts, with a warrant signed by any two Justices of the Peace, empowering him or them to levy the said Tax; and upon Refusal, to distrain, and sell by public Outcry, and pay the same into the Hand of the Church Wardens, retaining to himself Twelve Pence per Pound, for levying thereof: And if any Person shall refuse to pay what he is so assessed, and the said Constables do strain for the same; all his Charges shall be paid him, with such further Allowance for his Pains, as the said Justices, or any of them, shall judge reasonable; And if the said Justice or Justices, shall neglect to issue the said Warrant, he or they respectively shall forfeit *Five Pounds* current Money aforesaid; and if the said Constables, or any of them fail of their Duty herein, they shall respectively forfeit *Five Pounds* current Money aforesaid. And the Church Wardens so chosen, shall undertake the said Office, and receive and keep a good Account of the Monies or Goods levied by Virtue of this Act, and the same issue by Order from the said Justices and Vestry-Men of the respective Cities, Counties, Precincts, and Parishes aforesaid, for the Purposes and Intents aforesaid, and not otherwise: And the Church Wardens shall, as often as thereunto required, yield and give a just and true

Penalty for not appearing to lay tax £5.

Tax Roll to be delivered to the Constables to levy tax.

Penalty for refusing to pay Taxes.

And on Constables for neglect of Duty.

Church Wardens to keep Accounts.

Account unto the Justices and Vestry-Men, of all their Receipts and Disbursements ; And in Case the said Church Wardens, or any of them, shall neglect their Duty therein, they shall respectively forfeit *Five Pounds*, current Money aforesaid, for every refusal.

And Account to the Justices, &c.  
Under Penalty of £5 each.

V. And be it further Enacted *by the Authority aforesaid*, That the said Church Wardens, in their respective Precincts aforesaid, shall, by Warrant, as aforesaid, pay unto the respective Ministers, the Maintenance aforesaid, by four equal and quarterly Payments, under the Penalty and Forfeitures, of *Five Pounds* current Money aforesaid, for each Neglect, Refusal, or Default ; the one half of all which Forfeitures, shall be disposed of to the Use of the Poor, in the respective Precincts where the same doth arise, and the other Half to him or them that shall prosecute the same.

They to pay the Ministers quarterly.

VI. Always provided, and be it further Enacted *by the Authority aforesaid*, That all and every of the respective Ministers, that shall be settled in the respective Cities, Counties, and Precincts aforesaid, shall be called to officiate in their respective Precincts, by the respective Vestry-Men, and Church Wardens aforesaid. And, *Always Provided*, That all the former Agreements, made with Ministers throughout this Province shall continue and remain in their full Force and Virtue ; any Thing contained herein to the contrary hereof, in anywise notwithstanding.

Ministers to be called by the Vestry-Men, &c.

This Act not to affect former Agreements with Ministers.

Under the third section it will be seen that the *freeholders* were to elect two Church Wardens and ten Vestrymen, collectively styled a Vestry, to assess or levy the tax " for the Maintenance of the Minister and Poor of their respective places." This was *not*, however, the body known as " The Church Wardens and Vestry-Men " of the Episcopal Churches in the Province, but a *Civil, territorial organization, purely to levy taxes* under this act. These *Civil*, elective, vestries were composed of persons of all denominations, and often of no denomination at all, and existed down to the end of the American Revolution, after which this Act of 1693 was repealed by an Act of the Legislature of the *State* of New York, passed April 17, 1784 The Act of 1693 was changed

by an Act passed November 29, 1745 (Chap. 812, 1 Van Schaack, 267), enabling the freeholders to choose the Civil Vestrymen by *wards*, and giving two to each ward in the city, instead of electing the whole twelve from the city generally. This arrangement continued till the repeal of the Act of 1693 by the Act of 1784.

Very often the same persons were members of both bodies, but the *Ecclesiastical* Church Wardens and Vestrymen were always persons belonging, or friendly, to the Church of England, and were chosen by *those only of the inhabitants who belonged to the Church of England*. The *Civil* Wardens and Vestrymen were elected, as above stated, from the inhabitants of all denominations generally, provided they were "freeholders." This distinction not being usually known has caused much misrepresentation and many mistakes. The *Civil* Vestries were entirely the creatures of this Act, and the Civil Vestry of New York is referred to by the author in Chapter VII. of the second volume, treating of the city funds, and their misappropriation and criminal waste by the British officials in the city of New York during the Revolutionary War.

The first *Civil* Vestry chosen by the *freeholders* of the city of New York, under this Act, were elected at the City Hall on January 9, 1694. They were two Wardens and ten Vestrymen, making the *Twelve* required by the Act. Their names were :

NICHOLAS BAYARD,  
JOHN KERFBYL,

{ *First Church Wardens of the City of New York.*

ROBERT DORKINS,  
ROBERT WALTERS,  
WILLIAM JACKSON,  
JEREMIAH TOTHILL,  
JOHN CROOKE,  
JOHN SPRATT,  
ISAAC VAN FLACK,  
MATTHEW CLARKSON,  
ISAAC D'RIEMER,  
JOHANNES DE PEYSTER,

} *First Vestrymen of the City of New York.*

The first *Ecclesiastical* Church Wardens and Vestrymen of "The Parish Trinity Church" were appointed by its Charter and named therein. The Charter was granted May 6, 1697, three years after the first *Civil* Vestry were elected, and fixed their numbers at *twenty-two*, that is, two Wardens and twenty Vestrymen, precisely as they now are, and directed their successors to be elected *only by those inhabitants of New York who belonged to the Church of England*, "annually, forever on the Tuesday in Easter week." Their names were :

THOMAS WENHAM,  
ROBERT LURTING,

{ *First Church Wardens of the Parish of Trinity Church.*

CALEB HEATHCOTE,  
WILLIAM MERRET,  
JOHN TUDOR,  
JAMES EMOTT,  
WILLIAM MORRIS,  
THOMAS CLARKE,  
EBENEZER WILSON,  
SAMUEL BURT,  
JAMES EVETS,  
NATHANIEL MARSTON,  
MICHAEL HOWDEN,  
JOHN CROOKE,  
WILLIAM SHARPAS,  
LAWRENCE READ,  
DAVID JAMISON,  
WILLIAM HUDDLESTON,  
GABRIEL LUDLOW,  
THOMAS BURROUGHS,  
JOHN MERRETT,  
WILLIAM JANEWAY,

{ *First Vestrymen of the Parish of Trinity Church.*

The Charter expressly recited and declared that the

"Rector of the Parish of Trinity Church," as it styles him, was "a good sufficient Protestant Minister according to the true intent" of the Act of 1693, and confirmed to him the yearly £100 directed to be raised by that Act, and "strictly charged" the *Civil* Wardens and Vestry created by it, to levy and collect the same, and pay it over quarterly to the "said Rector of the Parish of Trinity Church and his successors forever."

The first "Board of City Vestry," as it was styled, elected in 1694, being opposed to the Church of England, neither called a minister nor laid any tax. The second, chosen January 8, 1695, met on the 19th, and at an adjourned meeting on the 26th, "called Mr. William Vesey to officiate in the same place, according to the directions in the said Act contained," but laid no tax for his "maintenance."

Mr. Vesey, born in Braintree, Massachusetts, in 1674, of a Church of England family, then, and long after, residents of that town, and himself in early life a communicant therein,<sup>1</sup> was educated at Harvard College, and graduated there in 1698, under Increase Mather, whose principles he adopted. By Mr. Mather he was sent as an Independent Minister to the Province of New York, "to confirm the minds of" those who had removed for their convenience from New England to this Province, for Mr. Mather having advice "that there was a Minister of the Established Church come over in quality of Chaplain of the forces, and fearing that" the Common Prayer, and the hated ceremonies of our Church might gain ground, he spared no pains or care "to spread the warmest of his emissaries through this Province."—*Doc. Hist. N. Y.*, vol. iii., p. 438. *Address of Gov. Hunter's friends to the Bishop of London.*

Mr. Vesey, it is certain, was upon Long Island in 1694. He preached at Hempstead in 1695, and became well and favorably known in the city of New York as a dissenting minister.

In 1696, the *Civil* Vestry elected that year, of which

<sup>1</sup> *Collections Am. Colonial Church, New York.*

Stephanus van Cortlandt and William Pinhorne were the Wardens, and Ebenezer Wilson, Lawrence Read, William Morris, Samuel Burte, James Evetts, John Crooke, Giles Gaudineau, John van Cortlandt, Dirk van Der Burgh, and Nathaniel Marston, the Vestrymen, met, made an assessment, (nothing having been done by the Vestry of 1695, except the mere "calling" of Mr. Vesey, as above stated) and collected the tax of £100 for the maintenance of the Minister. At a meeting on the 2d November, in the same year, inquiries about Mr. Vesey having evidently been made in New England, they called Mr. Vesey a second time, making this record of their action :

" Wee y<sup>e</sup> Church Wardens & Vestry men Elected by Virtue of y<sup>e</sup> said Act having read a Certificate under the hands " of the Reverend M<sup>r</sup> Samuel Myles, Minister of y<sup>e</sup> Church of " England in Boston in New England, and M<sup>r</sup> Gyles Dyer " and M<sup>r</sup> Benjamin Mountfort, Church Wardens of y<sup>e</sup> said " Church of the Learning & Education, of the Pious, Sober, " & Religious behaviour and conversation of M<sup>r</sup> William " Veazy and of his often being a Communicant in the Receiv- " ing y<sup>e</sup> most holy Sacrament in the said Church, have called " the said Mr. William Veazy to officiate, and have y<sup>e</sup> care of " Souls in this City of New Yorke. And y<sup>e</sup> said M<sup>r</sup> William " Veazy being sent for, and acquainted with the Proceedings " of this board, did return them his hearty thanks for their " great favor & affections shewd unto him, & did Assure " them that he readily Accepted of their Call & would with " all Convenient Expedition Repair to England, and Apply " himselfe to the Bishop of London in Order to be Ordained " according to the Liturgy of y<sup>e</sup> Church of England, and " would return to his Church here by the first Convenient " Opportunity."

Three days subsequently, at another meeting of the Justices and Vestry, on Nov. 5th, they agreed, by resolution, to lend Mr. Vesey, on his bond, £95, the proceeds of the tax, to pay his expenses to England for ordination, two of the Board, however, Jacobus van Cortlandt (younger brother of Stephanus Van Cortlandt, the first Warden) and Brandt Schuyler,

dissenting. On the 9th November, 1696, this money was paid to him.

Mr. Vesey, therefore, returning to the church of which he had been originally a member, went to England, and on Aug. 2, 1697, was ordained a deacon, and then a priest, of the Church of England, by the Bishop of London, and licensed to officiate. The license itself, bearing date 2d Aug., 1697, and the usual subscription to the Act of Uniformity made by him, are recorded in Liber II. of Wills, in the office of the Surrogate of New York.

Some eight months *previous* to this action of the Civil Vestry under the Act of 1693, in November, 1696, the first steps had been taken to organize a Church of England parish, and build a church, in New York, by the presentation of a petition on 21st March, 1696, to the Governor, for leave to purchase "a small piece of land" for an English church in New York, "lyeing without the north gate of the said City betwixt the Kings Garden and the burrying Place." This was granted the same day, funds were collected under a license dated 23d July, 1696, and the erection of a church begun.—*Doc. Hist. N. Y.*, vol. iii., pp. 407-8.

On the 6th May, 1697, Caleb Heathcote, William Merrit, John Tudor, James Emott, Henry Willson, Thomas Wenham, James Evetts, John Crooke, Robert Lurting, Samuel Burtt, William Morris, and Nathaniel Marston, styling themselves "Present Mannagers of the Affaires of the Church of England in the City of New York," petitioned Gov. Fletcher for a charter, stating that the church was "built and covered," and asked an "incorporation of the same, and also a grant of the £100 yearly Maintenance provided by the Act of 1693, and the land on which the church had been built."—*Doc. Hist. N. Y.*, vol. iii., pp. 409-410. The charter was accordingly granted, under the Great Seal of the Province, and bears date the same day as the petition, May 6, 1697. It is recorded in Lib. VII. of Patents, in the Secretary of State's Office, at Albany, where also is to be seen the original petition for it in vol. xli. of Colonial MSS., p. 64.

Mr. Vesey arrived in New York from London in Decem-

ber, 1697, and on Christmas Eve in that year delivered to the *Civil* Vestry, at their meeting at that time, two letters of recommendation addressed to them by Bishop of London, which, being read, the Board, pursuant to the Act of 1693, as the record expresses it, "doe unanimously call the said Mr. William Vesey to officiate and have the care of Souls within this City of New York." This was the *third* call, in fact, but the *first* after Mr. Vesey had become a priest of the Church of England. Mr. Vesey, at the same meeting, "personally came before this Board and informed them he was ready to execute the Function he was called to when he shall be inducted into the same." The Board adopted a written petition to Governor Fletcher to induct Mr. Vesey, and the next day Dec. 25—Christmas Day—1697, the ceremony of Induction took place, in the Dutch Church in Garden Street, now Exchange Place, the Governor, of course, officiating, by making an address, and delivering the keys of the yet unfinished Trinity Church to Mr. Vesey, as Rector, the two Dutch clergymen of the city—the Rev. Henricus Selyns and the Rev. Petrus Nucella—being the witnesses on the occasion, and signing, with the two Church Wardens of Trinity Parish, Thomas Wenham and Robert Lurting, the Latin certificate of Induction. This instrument, and Gov. Fletcher's order for the Induction under the Great Seal of the Province, also in Latin, are recorded in Liber V. of Wills, pages 262-3, in the Surrogate's office of New York.

Trinity Church was not completed until 1698, and was opened for the first time on Sunday, 13th March, 1698.<sup>1</sup> The Rev. Mr. Vesey officiating morning and afternoon, and on each occasion, at the close of the prayers, "declared before the congregation his unfeigned assent and consent to all and everything contained in, and prescribed in, and by, the Book of Common Prayer," and read the Bishop of London's certificate of his declaration of conformity to the Church of England.

The Rev. Mr. Vesey thus became the First Rector of Trinity Church in the City of New York, a position which he

<sup>1</sup> Old Style.



graced and adorned till his death, on 11th July, 1746, the long period of forty-nine years, during the last three-fourths of which he was also the Commissary of the Bishop of London in America.—*Work and Materials for History*, by G. H. Moore, *Hist. Mag. for June and July*, 1867.

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### NOTE III.

#### THE TITLE OF TRINITY CHURCH, NEW YORK.

*Volume I., pages 8-10.*

THE following clear summary of this title, and the various litigations of it, is taken from the Appendix to the Twentieth Conventional Address of the late Rt. Rev. William Heathcote de Lancey, D.D., LL.D., D.C.L., delivered on the 19th day of August, 1857, to the Annual Convention of his Diocese of Western New York (then comprising all of the State of New York from Utica westward), at the City of Oswego, N. Y.

In his "Address," which is the annual statement of official duties required of every Bishop by the constitution and canons of the Episcopal Church, he says :

" I was summoned to Albany, on the 13th of February,<sup>1</sup> on  
 " a requisition of a Committee of the Senate in relation to  
 " the affairs of Trinity Church, New York, arraigned before  
 " the Legislature and threatened with an invasion of her constitutional rights in the control of her property.

" As this venerable Corporation has been often assailed,  
 " and as she has applied her funds in this Diocese, as well as  
 " throughout the State, most advantageously to the interests  
 " of religion and education, and must depend upon the intelligence, integrity, knowledge and just appreciation of legal  
 " and constitutional rights of the whole State, for her preservation from the inroads of injustice, rapacity and party,

<sup>1</sup> 1857.



"it may be well to put on record, in a note to this Address, for information, a condensed view of the groundless character of the assaults hitherto made upon her Title, her Parish Character, and her use of her Property."

The part of the Bishop's "note" thus written, relating to this Title, with corrections of some slight typographical errors, and somewhat abridged, is here given. In the "Journal of the Twentieth Convention of the Diocese of Western New York," for the year 1857, and in the "Episcopal Address" for that year, printed separately, the whole note will be found. It was also subsequently reprinted the same year as a pamphlet by itself, under the title of "Anneke Jans and Trinity Church."

#### TRINITY CHURCH, NEW YORK.

The Title of this venerable Corporation has been assailed :

- I. By the heirs of Anneke Jans.
- II. By the alleged claim of the State.

#### THE ANNEKE JANS CLAIM.

I. Against the heirs of Anneke Jans there have been decisions, by successive Courts, both before and since the Revolution of 1776, and always in favor of Trinity Church.

Anneke Jans was the alleged original Dutch Patentee, under the States of Holland, of part of this property. She married one Bogardus, a Dutch clergyman, hence called Dominie Bogardus. Under her, the claim was set up : and her heirs, innumerable, have since prosecuted it. This Anneke Jans claim to the property of Trinity Church was founded on these allegations :

1. That the title was not in the Queen when, in 1705, she gave the lands to Trinity Church, but in a private person.
2. That the lands had been granted in the time of the Dutch to Anneke Jans, the original Patentee.

3. That all titles granted by the Dutch were confirmed to the grantees by the Articles of Capitulation, when the Colony surrendered to the English.

4. That Cornelius Brouwer, a descendant of the original grantee, was one of the *true* heirs and owners of the property.

#### FIRST SUIT.

1. This Cornelius Brouwer commenced an ejectment suit against Trinity Church in 1750, after she had possessed the property about forty-five years; and was non-suited for not bringing cause to trial. He subsequently commenced another suit, which, in 1760, was tried before a special jury, struck for the purpose, in the presence of the parties and their counsel, before one of the Judges of the Supreme Court, David Jones, Esq., of Fort Neck, Queens County, who was commissioned for the trial of this very cause—all the other Judges being members of Trinity Church and interested in the result of the suit. The jury consisted of persons of credit, principally belonging to the Church of Holland. The attorney and counsel for Cornelius Brouwer, against Trinity Church, were the leading Presbyterian members of the bar, viz. : William Smith, Sen., William Smith, Jr., William Livingston, and John Morin Scott.

The trial lasted two days and almost two nights. The titles on both sides were fully canvassed; and the jury, after a charge by the Judge, and a recess of half an hour, returned with a verdict in favor of Trinity Church.

Such was the result of the first trial.

2. Col. Malcolm commenced a suit by writ of right in the Supreme Court, to recover the property of Trinity Church, or some of it. The premises, the title to which was immediately in question, were located in or near Chambers street. The grounds of his claim are not exactly known to me, but it is believed to have been in some way connected with the Bogardus pretensions, probably as an assign of one or more of the *soi-disant* heirs. The cause was tried in the

year 1807, in the old City Hall, in New York, by grand assize<sup>1</sup> (an ancient and solemn mode of jury trial now disused in this State), and a verdict was found and judgment entered for Trinity Church.

3. Previous to 1830, one Bogardus, claiming to be an heir of Anneke Jans, commenced proceedings in the Court of Chancery against Trinity Church, to recover a part of the Queen's Farm.

The case was elaborately argued, and decided in favor of Trinity Church by the late Chancellor, R. H. Walworth. (See 4th Paige's Reports, 178.) It was carried, by appeal, to the Court for the Correction of Errors, where the decision of the Chancellor was affirmed.

4. Another suit was commenced in 1834 by one Jonas Humbert, also claiming as an heir of Anneke Jans. The complainant's bill was demurred to, and the demurrer was sustained by the Chancellor, and the bill was dismissed. (See 7th Paige's Reports, page 195.) This also was carried, by appeal, to the Court for the Correction of Errors, and the decision of the Chancellor was sustained by the unanimous vote of the members of the Court. (See 24th Wendell's Reports, p. 587.)

An issue of fact was afterwards made, in the Bogardus suit above mentioned, which was decided against the complainant by the late Vice-Chancellor Sanford, upon full and complete testimony on the part of Trinity Church, and no appeal was taken from the decision. (See 4th Sanford's Chancery Reports, p. 633 ; *Id.*, p. 369.)

5. Nine other suits were brought in the Supreme Court by another Cornelius Brouwer, in 1847, claiming as an heir of Anneke Jans ; and, after the causes were at issue, the plaintiff submitted to a nonsuit.

6. In July, 1851, an action was commenced against Trinity

<sup>1</sup> Black. Com., vol. ii., pp. 190, 341, and Appendix p. vi., Ed. by Christian.

Church by the same counsel in the name of one Kiersted, in the Court of Common Pleas, in the city of New York.

7. And in April, 1852, another action was brought by the same counsel, in the name of the same Kiersted, in the Supreme Court, while the action in Common Pleas was pending.

The plaintiff, Kiersted, was compelled to elect between his actions, and he abandoned that in the Court of Common Pleas.

The case was heard in November, 1854, and decided on the 9th of April, 1856. The bill was dismissed with costs.

All these suits, except those of Brouwer and Humbert, were commenced and conducted by the same counsel, George Sullivan, Esq., who, for twenty-two years, had maintained the litigation against Trinity Church in the name of Mr. Kiersted or others.

Vice-Chancellor Sanford, in deciding in favor of Trinity Church, thus expresses his views :

“ And now that I have been enabled to examine it (the case) carefully and with due reflection, I feel bound to say, that a plainer case has never been presented to me as Judge. Were it not for the uncommon magnitude of the claim, the apparent sincerity and zeal of the counsel who supported it, and the fact (of which I have been often admonished by personal application in their behalf), that the descendants of Anneke Jans at this day are hundreds, if not thousands, in number, I should not have deemed it necessary to deliver a written judgment on deciding the cause.”

#### THE STATE CLAIM.

II. In 1854, Mr. Rutger B. Miller memorialized the Commissioners of the Land Office, alleging that he and his associates were in possession of evidence, showing that the title to the property called the King's Farm, or Queen's Farm, in the city of New York, held by Trinity Church, having been Crown lands, and never legally alienated to Trinity Church,

was vested in the people of the State of New York, and offering to carry on a suit of ejectment against Trinity Church at his own expense, and recover the property escheated to the State, provided that one-quarter of the estate so recovered be given to him.

An agreement was made with Mr. Miller by the Commissioners of the Land Office, by resolutions, passed June 10, 1854, and August 31, 1854, directing the Attorney-General to commence such a suit, on the conditions—

1. That the State should be indemnified against incurring any expense by the suit, by a bond of indemnity of \$5,000, with surety to be approved by the Comptroller.
2. Provided that proper evidence, showing the title of the State to such farm, should be first shown, and lodged with the Attorney-General of the State.

On the 22d January, 1855, the Attorney-General reports to the Senate, that Mr. Miller had not fulfilled the conditions, and that no suit had been commenced.

Subsequently, it appears that Mr. Miller did comply with some or one of the conditions, gave the bond with securities, and submitted his evidence of the title of the State to this property to the Attorney-General, and through him to the Commissioners of the Land Office, who adopted, March 2, 1855, the following preamble and resolution, viz. :

*"Whereas*, The Attorney-General having submitted to this Board the testimony in regard to the title of Trinity Church to the King's Farm, which was furnished to him by Rutger B. Miller, and the same being unsatisfactory,

*"Resolved*, That the Resolution of June 10, 1854, directing the commencement of a suit, and that of August 31, 1854, in relation to the bond, be and the same are hereby rescinded.

Some time afterwards, in 1855, the Commissioners of the Land Office, on the urgent application of Mr. Rutger B. Miller, renewed the authority and instructions to the Attorney-General, to commence a suit to test the title of Trinity

Church, on the terms proposed by Mr. Miller. In January, 1856, Trinity Church presented a memorial to the New Commissioners of the Land Office, declaring that they do not, in any way, object to a suit against them to test their title, but praying that the bargain to give Mr. Miller a portion of the land, if recovered to the State, may be annulled, as being amongst other things, *contrary to the Constitution*, which appropriates all escheated lands to the Common School Fund, and thus prohibits such payment to Mr. Miller.

The bargain, being deemed unconstitutional, was abandoned.

On the point of the claim of the State to the property of Trinity Church, the Commissioners of the Land Office, in 1836, consisting of Messrs. Samuel Beardsley, John A. Dix, A. C. Flagg, A. Keyser and William Campbell, put their names to the following OPINION, and establish the following facts :

OPINION.

1. That the Rector, Church Wardens and Vestrymen of Trinity Church in the city of New York, are a valid corporation, with full power to hold the real estate which has been referred to.
2. That it has a valid, subsisting, and absolute title to the lands referred to.
3. That it is entitled to the rents and profits of said lands, without any regard to the amount of income which they may yield.

FACTS.

They establish the following facts :

1. That in 1705, Lord Cornbury, Governor of the Province of New York, in the name, and as the act and deed of Queen Anne, made a lease, by which the lands, called the Queen's Farm and the Queen's Garden, were granted and confirmed to the corporation of Trinity Church, and their successors forever, to be holden in free and common socage paying the yearly rent of three shillings.

2. That the power of the Provincial Governor to make leases of the Crown lands was unlimited in 1705, when the lease in question was made.

3. That the lease was valid and effectual in its inception, and was so regarded during the continuance of the Provincial Government.

4. That the lease of 1705, had been regarded as a subsisting and valid grant, not only by the Provincial Government, to as late a period as 1750, when quit rent was paid upon it, but by the Government of this State in 1786, when the quit rent reserved was finally commuted and satisfied.

5. That the corporation of Trinity Church has held these lands, claiming an absolute and indefeasible title to them from the time of the commutation and payment of said quit rent in 1786 (then, in 1836, *fifty* years, and now, in 1857, *seventy-one* years).

6. That if the people of the State had then, in 1786, a right to these lands, that right has been lost by lapse of time, the right of suing for the recovery of lands being limited to *forty* years in this State, and in England and Provinces to sixty years.

7. And that the Legislature of the State have repeatedly recognized the corporation of Trinity Church, as a legal, valid and subsisting corporation.\*

<sup>1</sup> The action of ejectment by the People of the State of New York to test the title of the State to the property of Trinity Church, brought by the Attorney-General by direction of the Commissioners of the Land Office, as above stated, in 1856, was decided *against* the State. The decision was affirmed on appeal by the General Term, and re-affirmed by the Court of Appeals, the court of last resort, in September, 1860, on the ground that the People had failed to show any title as

\* Chief Justice Bronson, who had just vacated the office of Attorney-General, and as such had officially and fully considered the subject, is known to have been of the same opinion as his successor, Mr. Beardsley.

<sup>1</sup> *This statement of the decision in the State suit in 1860, of course was not in the Bishop's note written in 1857, but has been added by the editor.*



against the Church, and on the further ground that any such action was barred by the statute of limitations. Chief Justice Comstock in delivering the opinion of the Court, says, "The conclusions to which I arrive are :

" 1. That the Plaintiffs (the People) were not entitled to recover on a mere presumption of title.

" 2. That the evidence failed to show such title, and did prove it to be *prima facie*, in the corporation of Trinity Church.

" 3. That the action was barred by the statute of limitations."

—22 New York Reports, pp. 44-67.

The Vestry of Trinity Church have always maintained that they hold the property granted by Queen Anne, not as a trust estate, but by a full, independent, *bond-fide*, untrammelled ownership, and that they are not obliged by any trust to confine the application of it exclusively to her own Parish, or to the city of New York, but may extend it to the country churches and objects.

There are no terms implying trusteeship in the lease of the Queen's Farm, made by Lord Cornbury, November 23, 1705, in the name and as the act and deed of Queen Anne, but the lands "were granted and confirmed to said corporation, to the use of the Rector and inhabitants of the said city of New York in communion with the Church of England, as by law established, and their successors forever, to be holden in free and common socage, and paying the yearly rent of three shillings." The power of the Provincial Governor to make leases of the Crown Lands was unlimited in 1705, when the lease in question was made. This lease, therefore, seems to have been valid and effectual in its inception, and to have been so regarded during the continuance of the Provincial Government. And not only by the Provincial Government, but by the Government of this State, in 1786, when the rent reserved was finally commuted and satisfied.

The Charter of Trinity Church was granted in 1697, when

it went into operation, and the following persons constituted the first Wardens and Vestrymen :

*Wardens.*—William Wenham, Col. Robert Lurting.

*Vestrymen.*—Col. Caleb Heathcote, William Merret, John Tudor, James Emott, William Morris, Thomas Clarke, Ebenezer Wilson, Samuel Burt, James Evets, Nathaniel Marston, Michael Howden, John Crooke, William Sharpas, Lawrence Read, David Jamison, William Huddleston, Gabriel Ludlow, Thomas Burroughs, William Janeway, John Merret.

The list of names of those who have since served the Church in the office of Wardens and Vestrymen comprises six Mayors, seven Recorders, nine Aldermen of the city ; three Chief Justices of the State, five Judges of the Supreme Court, three Secretaries of State, three Attorney-Generals, six Members of Congress, three Governors of the State, several distinguished officers of the Army, sundry eminent lawyers, physicians, and merchants, and many prominent men in other lines of life.

The affairs of Trinity Church have been in the hands of such gentlemen as these for a period of one hundred and sixty years,<sup>1</sup> amid every kind of fluctuation—political, civil, and religious—and they, and their descendants, may safely challenge the City, the State, and the whole land, and the entire body of the Church in this country, to present to our view a wiser, safer, more judicious, more useful, and more unsullied management of a religious corporation of similar magnitude and relations.

The Clergy of Trinity Church have not been pampered with extravagant salaries.

The Wardens and Vestrymen have not enriched themselves by the management of her property.

There has been no unrighteous speculations in the use of her means.

<sup>1</sup> Now (1876) 179 years.

There has been no application of her property to objects alien to her Charter or her character.

No political intrigues or schemings, whether in the State or Nation, have ever been essayed by her means.

No Court of law and no Legislature has ever sanctioned any of the alleged claims to her property or her franchises when they were brought to the calm, cold test of law, truth, and fact.

I am, myself, under no personal obligations to the Rector, Wardens, and Vestrymen of Trinity Church, for honor, office or emolument. I once served, when a Deacon, for three months,<sup>1</sup> as a temporary assistant in the Parish. My own official applications, as Bishop, for aid to feeble parishes in my Diocese, have not always met with success.

My great-grandfather, Colonel Caleb Heathcote, heads the list of the first Vestry of Trinity Church, in 1697. My grandfather, Lieutenant-Governor De Lancey, lies interred beneath her walls.<sup>2</sup> My father, John Peter De Lancey, and other relatives, have been the friends and supporters of the corporation. I put on record the declaration, that I have seen and

<sup>1</sup> In 1821.

<sup>2</sup> Caleb Heathcote, son of Gilbert Heathcote, Mayor of Chesterfield, Derbyshire, England, born there in 1667, came to New York in 1691, was Colonel and first Judge of the County of Westchester, Member of the Provincial Council, Alderman, Mayor of the City of New York, Judge of the Court of Admiralty of the same, and Surveyor-General of the Customs of North America. He died in New York, March 19, 1721, and was buried in Trinity churchyard, beneath the southwesternmost window of the original church, where also were buried his widow, and three daughters who died young.

The De Lancey family vault was in the middle aisle of the original church, at the end nearest the chancel, which was at the east end of the church nearest Broadway, *not* at the *west* end as in the second edifice, and in the present Trinity Church, and contains the remains of Etienne (Stephen) De Lancey, his wife, and children and grandchildren who died before 1776, Lt.-Gov. De Lancey, some of his children, and all of the family who died in New York previous to the destruction of the church by the fire of that year. Since that date it has not been used, and is beneath the present structure.—*Ed.*

heard nothing to destroy my confidence in the purity, integrity, fidelity, and wisdom of the management of her estate, enlarged not by the wit or contrivance of man, but by the Providence of God, pre-eminently blessing the government, State, and city to which she belongs.

I have made this compilation of facts and views, that the case of Trinity Church corporation might be understood in Western New York and elsewhere. When this Church asks the shelter of law, justice, and truth against aggression, a fair statement of her means, and a just and righteous judgment on her proceedings, responsibilities, gifts, and labors, I am constrained to say, in view of her past history, present means and opening opportunities of usefulness, that I adopt not the language of distrust, denunciation, or assault, but the cordial prayer of the Psalmist: "Peace be within thy walls, and plenteousness within thy palaces; for my brethren and companions' sake I will wish thee prosperity; yea, because of the house of the Lord our God, I will seek to do thee good"

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#### NOTE IV.

DESCENT OF WILLIAM LIVINGSTON, AND THE WIFE OF  
WILLIAM SMITH, FROM ANNEKE JANS.

*Volume I., page 10.*

THE Livingston descent from Anneke Jans referred to in the text, thus appears from the authorities cited below:

Philip Livingston, eldest son of Robert Livingston of Albany, the first of the family in America, the time of whose arrival here is unknown, but was "as early as February, 1676," and father of the William Livingston mentioned in the text, married, 19th September, 1707, at Albany, Catherina Van Brugh, daughter of Capt. Pieter van Brugh, or ver Brugge, as the name was originally spelled, whose mother was *Catrina*, the *second* daughter of the famous *Anneke Jans*,

by her first husband Roeloffe Jans, she, Catrina, being at the time of her marriage, 29th March, 1658, the widow of Lucas Rodenburgh, who had died about two years before. This Philip Livingston, who was the second lord of the manor of Livingston, and a strong supporter of the Colonial Government, had by this lady, who died 20th February, 1756, aged 66, nine children (William mentioned in the text being the fifth son), all of whom were, of course, great-great-grandchildren of Anneke Jans herself. His descent is thus alluded to in a letter to Baron van der Capellen, in 1778, by William Livingston himself (*Sedgwick's Life of Livingston*, p. 312): "From my affection for *het Vaderland* (political considerations apart), I could wish for a friendly connexion between "the Old and New Netherland, being, by parentage at least, "three-quarters of a Dutchman myself."—*Genealogies of the First Settlers of Albany*, "Bogardus," "ver Brugge," "Livingston," vol. iv., *Munsell's Collections on the History of Albany*.

The wife of William Smith, Jr., was Janet Livingston, daughter of James Livingston and *Elizabeth Kierstede*, a descendant of *Sarah*, the *eldest* daughter of Anneke Jans, who married Hans Kierstede. Susan Smith, sister of William, married a brother of his wife, Robert J. Livingston. James Livingston, father of these two, was son of a Robert Livingston, Jr., and Margarita Schuyler. This Robert Livingston, Jr., was the first American ancestor of an entirely distinct family of Livingstons, from the Livingstons of the manor above mentioned, and came to America in 1686. He is said to have been either a cousin from Scotland, or a nephew, of the first named Robert, the first of the name in America, and first patentee of the manor.—*Holgate's Am. Gen.*, 159 and 183, "Livingston, Robert, Jr." *Munsell's Col. Hist. Alb.*, vol. iv., p. 123.

In 1760 the descendants of Anneke Jans were comparatively few. In a communication from the Browsers and Bogarduses, making their claim anew, in the *New York Packet* of February 5, 1784, twenty-four years afterwards, it is stated, referring to the action mentioned in the text, "that the

"action being instituted by the Browers only, who were col-  
 "laterally, not lineally interested, a verdict, it is readily con-  
 "fessed, was given in favor of the corporation, the lineal heir-  
 "at-law not being one of the plaintiffs." It also alleges  
 that the Vestrymen afterward virtually confessed the claim  
 by "offering a Mrs. Livingston, one of the claimants, £1,500  
 "for her right," but states no evidence of the fact.

## NOTE V.

## HARSH INVECTIVE IN THE KINGS COLLEGE CONTROVERSY.

*Volume I., page 12.*

THE following extract from a letter of one Presbyterian  
 Clergyman to another, quoted at full length in an article on  
 the Kings College Controversy in *The New York Mercury*  
 Newspaper, No. 43, for June 4, 1753, illustrates the remarks  
 in the text :

"Oh! that the Ministers of the Gospel in your parts  
 "would excite the People to banish that rag of the Whore  
 "of Babylon, the Church of England, out of your country."

The letter is dated "New Jersey, June 3, 1752," and is a  
 singular instance of the heated antagonisms of the college  
 charter controversialists.

## NOTE VI.

THE IRISH PETITION AGAINST THE CHARTER OF KINGS  
COLLEGE.

*Volume I., pages 14, 15.*

*The Independent Reflector*, No. 40, of August 30, 1753,  
 closes with the attack on Gaine, here referred to. In Gaine's  
*New York Mercury* of 3d Sept., 1753, is a communication,

signed "The Printer," which alludes to a piece reflecting on a whole nation—evidently the Irish Petition—and contains a letter dated April 6, 1753, which, however, is signed by William Smith, Jr., and John Morin Scott only. Whether there was any *preceding* publication of a piece full of Irishisms, etc., cannot now be known with certainty, as there is no copy of the *New York Mercury* extant prior to No. 43, of June 4, 1753, and the incidents mentioned occurred in the preceding April.

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#### NOTE VII.

##### THE KINGS COLLEGE CONTROVERSY AND THE "WATCH TOWER."

*Volume I., p. 16.*

THE *Watch Tower* was first published on the 25th November, 1754, in the columns of the *New York Mercury*, and the last number appeared in that newspaper on the 17th November, 1755, after the commencement of the French war. "We have at length, with great trouble," writes William Livingston to the Rev. Noah Welles, the Presbyterian clergyman of Stamford, Conn., an old friend and classmate, on Dec. 7, 1754, "got Mr. Gaine to enter into an agreement with us to allot us the first part of his newspaper for the publication of our thoughts, which we do under the name of the *Watch Tower*. \* \* \* \* \* The affair of the college is not yet settled. The Governor<sup>1</sup> has passed a charter for a church-college, and the Assembly voted to print a bill, which was brought in by my brother,<sup>2</sup> for a free one, but whether it will pass the House we know not. At the beginning of the session we had a majority, but as the Governor interests himself warmly in the matter to support his charter, some of our party began to flag; for which reason we thought

<sup>1</sup> James De Lancey.

<sup>2</sup> Robert Livingston, then sitting for his own manor.

“ it most proper not to run the risk of a vote, but to take it  
 “ from the committee, with a resolve to have it printed, hop-  
 “ ing that the public, by comparing the charter with the bill,  
 “ will give the preference to the latter. So that we intend to  
 “ improve the time between this and the next session to keep  
 “ the province warm in so momentous an affair. The Dutch  
 “ begin to see, and the designs of our adversaries give a more  
 “ general umbrage than ever.

“ As almost all the authors of the *Watch Tower* are men of  
 “ business, I hope you will not refuse us your assistance, for  
 “ we would by no means suffer a week to slip without some-  
 “ thing, though we could not always furnish a paper on our  
 “ public controversies. For if we once drop it, it may be  
 “ difficult to get the printer in the same humor. He is a  
 “ fickle fellow, and easily intimidated by our opponents.  
 “ However, we have entered into articles of agreement, in  
 “ writing, which we hope he will not break through.”

These violent efforts “ *to keep the province warm* ” were  
 as successful in raising its temperature as they were unsuc-  
 cessful in defeating the college. It went into operation, and  
 has continued to this day, with a change of name, as *Colum-  
 bia College*. Its opening was described with bitter humor by  
 Livingston himself, in August, 1754.

“ It was opened last June, in the vestry-room of the school-  
 “ house belonging to Trinity Church. It consists of seven  
 “ students, the majority of whom were admitted, though  
 “ utterly unqualified, in order to make a flourish.<sup>1</sup> They meet  
 “ for morning prayers in the church, and are like to make as  
 “ great progress in the liturgy as in the sciences. The  
 “ doctor’s<sup>2</sup> advertisement promises stupendous matters. He  
 “ is even to teach the knowledge of all nature in the  
 “ heavens above us. Whether he intends to descend as  
 “ low as he soars on high, and conduct his disciples to the

• These seven students, it may be stated, were Samuel Verplanck, Rudolph Ritzema, Philip Van Cortlandt, Robert Bayard, Samuel Provoost, Thomas Marston, Henry Cruger, and Joshua Bloomer.—*Moore’s Hist. Sketch Columbia College*, p. 20.

<sup>1</sup> The Rev. Dr. Samuel Johnson, the President.



“bottom of Tartarus, he doth not inform the public.”—*Letter to Chauncey Whittelsey, at New Haven, Sedgwick's Life of W. Livingston*, p. 91. *Letter to Rev. Noah Welles*, id., p. 104.

In a letter of March 20, 1759, from the Rev. Dr. Johnson, President of Kings College, to Archbishop Secker (*Col. Hist. N. Y.*, vii., p. 371), relative to the *Reflector's* and *Watch Tower's* and Smith's attacks (in his *History of New York*) on the Church of England and the Society's missionaries, is the following passage, throwing much light on the subject :

“One book indeed, which has, I imagine, been a principal occasion of the complaints against the Society and Missionaries, is the ‘History of New York,’ lately published in London, which doubtless Your Grace has seen. This was wrote by one Smith of this Town, upon which Mr. Barclay has made some very just remarks, which were sent about two months ago, and I hope are now in the Secretary's hands. This Smith is a lawyer here of some note, who with two others of the same profession, Livingston and Scott, all bitter enemies to our Church and College, were believed to be the Chief writers of the Reflectors and Watch Towers.—And I believe one of the leading occasions of his writing this history was, that he might abuse the Church, Society, and Missionaries, as it contains a summary of what they had before published in those papers so far as religion is concerned.”

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#### NOTE VIII.

THE DUTCH CHURCH, ITS INTERNAL QUARREL WITH THE ENGLISH PRESBYTERIAN PARTY, AND ITS LAWSUIT OF 1763.

*Volume I., pp. 21-23.*

THE first Dutch clergyman in New Netherland, the Rev. Jonas Michaelius, arrived in New Amsterdam April 7, 1628, sent out by the Classis of Amsterdam (at the instance of the Dutch West India Company), four of which body, “the Venerable Brothers,” Rudolphus Petri, Joannes Sylvius, Dom. Cloppenburgh, and Adrian Smoutius, “were charged

"with the superintendence of these regions." To the last of these four Michaelius addressed a letter, "from the Island of Manhatas in New Netherland, this 11th August, Anno 1628," stating, among other things, the organization of the Dutch Church in New York, in these words :

"We have first established the form of a church (*gemeente*); and as Brother Bastiaen Crol<sup>1</sup> very seldom comes down from Fort Orange, because the directorship of that fort and the trade there is committed to him, it has been thought best to choose two elders for my assistance, and for the proper consideration of all such ecclesiastical matters as might occur; intending the coming year, if the Lord permit, to let one of them retire, and to choose another in his place from a double number first lawfully presented by the congregation. One of those whom we have now chosen is the Honorable Director himself,<sup>2</sup> and the other is the storekeeper of the company, Jan Huyghen, his brother-in-law; persons of very good character, as far as I have been able to learn, having both been formerly in office in the church, the one as deacon, the other as elder, in the Dutch and French churches respectively, at Wesel.

"We have had, at the first administration of the Lord's Supper, full fifty communicants—not without great joy and comfort for so many—Walloons and Dutch; of whom a portion made their first confession of the faith before us, and others exhibited their church certificates. Others had forgotten to bring their certificates with them, not thinking that a church would be formed and established here; and some who had brought them had lost them, unfortunately, in a general conflagration; but they were admitted upon the satisfactory testimony of others to whom they were known, and also upon their daily good deportment, since we cannot observe strictly all the usual formalities in making a beginning under such circumstances.

<sup>1</sup> Sebastian Jansen Krol, or Crol, and Jan Hnyck, were the two "*Krank-besoeckers*" or consolers of the sick, "a part of whose duty was to read on Sundays to the congregation some texts out of the Scriptures, together with the creeds."—*Brodhead*, p. 165.

<sup>2</sup> Petrus Minuit.

"We administer the Holy Sacrament of the Lord once in "four months, provisionally, until a larger number of people "shall otherwise require. The Walloons and French have no "service on Sundays, otherwise that ' in the Dutch language, "of which they understand very little."—*Col. Doc. N. Y.*, iv., 763-4.

The first house on New York Island was erected in 1613, the next year there were four, and in 1615 the fort at the south end of the island was built by Hendrick Corstiaensen. In 1621 the Dutch West India Company was chartered. In 1624, Petrus Minuit, the first Director-General, arrived. In 1625, Sarah de Rapelje, the first native white child, was born at the Wallabout, in Brooklyn.<sup>1</sup> In 1628, as stated above, Michaelius, the first clergyman sent by the Classis of Amsterdam, arrived, and established the first Dutch Church in New York, finding already there fifty communicants.

Under the Classis of Amsterdam, the Dutch Church thus founded, continued, implicitly obeying all its commands with reverence and respect, and looking to it for all ordinations of clergymen, until 1763, when the English Presbyterian element brought in Laidlie, as stated in the text, exactly 150 years from the foundation of the city in 1613. In 1737, a movement for a local assembly of ministers and elders, to be subordinate to the Classis of Amsterdam, called a "Cœtus," was made, and a plan sent the next year to the Classis at Amsterdam for consideration. It was evidently not agreeable, for no answer was returned till 1747, nine years afterwards, when a modified assent to its formation was given, but permitting no ordinations without the previous consent of the Classis or Amsterdam. At the close of 1752 began the politico-Presbyterian movements of Smith, Livingston, and Scott, to obtain power and place, as stated by the author. In 1753, it was proposed in the "Cœtus" to form a regular independent Classis. This aroused the old Holland element, which comprised the wealth and strength of the Church.

<sup>1</sup> *Sic* in original.

<sup>2</sup> O'Callaghan's *Hist. New Netherland*, i., 69. Broadhead, i., 54. Holgate's *Am. Genealogies*, "Rapelje."

To counteract the "Cœtus" radical party, they formed an organization to support the church as it was and the Classis of Amsterdam, which they called the "Conferentie."

These parties were nearly even in numbers, and carried on a contest for several years with great acrimony. Finally, having obtained a preponderance of the deacons and elders on their side, the Cœtus party, professedly on the ground of the growing disuse of the Dutch language in New York, determined to call a clergyman who should *not* be a Dutchman, and who could preach in English. Later, in 1763, they called the Rev. Archibald Laidlie, or Laidly, a Scotch Presbyterian, born in Scotland, educated at Edinburgh, who in 1759, four years before, had gone from Scotland to Holland, and was then residing at Flushing. Accepting the call, he arrived in New York in March, 1764, and on the 15th of the succeeding April he preached the first English sermon ever heard in a Dutch church in New York. To conciliate the old Dutch party, he had, however, been called through the Classis of Amsterdam, but without the effect desired. The contest now became very hot. The old Dutch felt that the doctrine, mode of worship, government, property, and name of the church were at stake, and the English party were determined to succeed in effecting their ends. Hence the scenes so vividly depicted in the text. A writer in the interest of the English party, in the *Christian Magazine*, gives this very similar account of them: "The peace of the churches was destroyed. Not only neighboring ministers and congregations were at variance, but in many places the same congregation was divided; and in those instances in which the numbers, or the influential characters, on different sides, were nearly equal, the consequences became very deplorable. Houses of worship were locked by one part of the congregation against the other. Tumults on the Lord's Day, at the doors of the churches, were frequent. Quarrels respecting the services, and the contending claims of different ministers and people, often took place. Preachers were sometimes assaulted in the pulpits, and public worship either disturbed or terminated by violence. In these attacks the *Conferentie* party were con-

sidered as the most vehement and outrageous. But on both sides a furious and intemperate zeal prompted many to excesses, which were a disgrace to the Christian name, and threatened to bring into contempt that cause which both professed to be desirous of supporting." This controversy was kept up for about fifteen years with virulence, and its effects lasted till near the end of the century. Laidlie preached in the North Dutch Church, in Fulton Street, finished after his arrival,<sup>1</sup> and bitterly opposed the holydays of Christmas, Easter, Whitsunday, etc. The Rev. Dr. Livingston, then a young licentiate, agreed with him in this. "You say they are rather wicked or devilish days than holydays," says Abraham Lott, in a letter to the latter in November, 1768; "very true; but would the neglect of preaching on those days lessen the wickedness practised on them? I say no. . . . However much I approve of your consulting Dr. Laidlie, . . . I can by no means approve of your advising with him in matters where he stands, in my opinion, wrong affected."<sup>2</sup> Dr. Laidlie died at Red Hook in 1780.

The lawsuit in the Supreme Court was entitled, "Abel Hardenbrook versus John Bogert, Jr., Esq., and others." It began in 1763, and terminated in 1765, by a trial on the 26th of April, before a struck jury of the following well-known citizens:

SAMUEL VERPLANCK,	THOMAS WHITE,
JOHN HARRIS CRUGER,	JOHN SHOALS,
DAVID CLARKSON,	WILLIAM BEDLOW,
ROBERT GRIFFIN,	JOHN PROVOOST, Esq.,
LAWRENCE KORTRIGHT,	LEWIS PINTARD,
BEVERLY ROBINSON,	WALTER RUTHERFURD.

The Judges were Daniel Horsmanden, Chief Justice; David Jones, second Judge; William Smith the elder, third Judge; and Robert R. Livingston, fourth Judge. The plaintiff's

<sup>1</sup> While these sheets were going through the press, this Old North Dutch Church was being *pulled down* to build stores on its site, a sacrifice to the needs of trade and the upward movement of dwellings.

<sup>2</sup> Gunn's Life of Livingston, p. 200.

counsel were the Attorney-General, James Duane, and Daniel Kissam. The defendants' counsel were William Smith the younger, Whitehead Hicks, William Livingston, and John Morin Scott.

After a trial of twenty-one hours, the Court directed the jury to bring in a special verdict as to the matters of law, to be determined by the Court, and to find three matters-of-fact upon the evidence adduced :

1. That the plaintiff had made a lawful demand to vote at the election in 1763, and that his vote had been refused.
2. That the majority of the members assembled on that day appeared to have been on the side of the plaintiff to vote.
3. That the minister of the Dutch Church had a vote in the election for elders and deacons.

This verdict was accordingly given, and the jury discharged.

The Court determined the law-points, however, in favor of the *defendants*, deciding that, in elections in the Dutch Church, under the polity of that Church, the Consistory elected the elders and deacons, and not the body of the communicants, as claimed on the part of the plaintiff, and that, therefore, his vote was rightly rejected. Justices Smith, Livingston, and Jones, in the affirmative ; Chief-Justice Horsmanden dissenting.—*Gunn's Life of Rev. Dr. Livingston*, chapters iii. and iv.

This decision placed the entire control of the Dutch Church and its property in the hands of the English Presbyterian, or Laidlie party, who held it when the British took possession of New York, after the battle of Brooklyn, in 1776 ; and it was really the cause of Sir William Howe's taking the Dutch churches in that city for hospitals and cavalry training schools. For finding this party in possession, and that their leaders were nearly all on the American side, he took possession of these edifices as rebel property, and turned over the revenues of the estates to those of the old Dutch party who continued in the city, assuming to set aside the judgment of the Supreme Court by virtue of his military power.

The following extract is from a broadside in the New York Historical Society's Library—written by William Livingston—relating to this Laidliean lawsuit and its result.

“EXTRACT FROM ‘A WONDERFUL DREAM.’

“\* \* \* Last Sabbath Day, the Dutch performed divine Worship, for the last Time, in the said *New Dutch Church*, agreeable to an Act passed last Sessions, by which it was, among other Things, enacted, *The said Church should be governed by a Majority of its Members*; which last Week was carried, in Favour of the present glorious Establishment. The whole Congregation on that Occasion, consisted but of 80 Persons, the rest being chiefly removed to *Holland, Coracoa, and Surinam*.—The *Domine* pathetically bewail'd the Ruin of that once flourishing Church, and reminded them of their past Folly, in having so long been deluded by their Enemies; first, by admitting an *English* Minister, under pretence of being ordained in Holland, to preach among, and infatuate them, which he then undertook, to shew, was contrived by their Enemies; first, to divide them, and then to bring them over to the *English* Presbyterians, *i.e.*, Independents. 2dly, That they had been basely imposed upon, and seduced hereunto, by a mischievous Writer (as he said) who with a base Republican View, above 20 Years ago had set up for a great Patriot and Reformer, under the Title of *The Independent Reflector*, and afterwards that of the Watch-Tower. 3rdly, That they had, notwithstanding repeated Cautions to the Contrary, without any Manner of Reason, entertained Jealousies of the Church of England, with whom they had always before lived in perfect Harmony and good Agreement, and might have done to this day and flourished to the End of Time. He added, We are well assured, that for several Years, the Gentlemen of all our best Families have been generally growing Free-Thinkers, and that of late, in their Clubs, they have many of them openly declared themselves downright infidels, and sometimes in their Cups, made a horrid Ridicule of all Religion. Such are the dying Groans of the poor Dutch Church!”

## NOTE IX.

## THE "WATCHMAN'S" DOCTRINE IN POLITICAL CONTROVERSY.

*Volume I., p. 23.*

THE reference on page 23 is to "*The Watchman*, No. 1," a bitter personal attack on the De Lancey family and its members by name, dated February 8, 1770, written by William Livingston, and published first in a newspaper in Boston, and then copied in *Holt's New York Journal*, and also printed and issued as "broadsides" or placards, one of which is preserved in the New York Historical Society's Library. The dead person attacked was Gov. James De Lancey, who died in office at the head of the Province in 1760, ten years before.

The Presbyterian party, of which Mr. William Livingston was a chief leader, had just been tremendously beaten in the elections of 1769, by the Church of England party, of which Capt. James De Lancey, the eldest son of Lt.-Gov. De Lancey, was the leader. Hence this assault on the first movements of the latter in the New Assembly of 1770. The words in the text are not exactly given, the author evidently writing from memory, though the idea is perfectly presented. The actual language used is this: "It is not only *justifiable* to *expose the public enemies of a country, whether living or dead, but it is a duty which every man that can do it, owes to the public, to prevent and deter others from attempting to follow their malignant and domineering examples.*"

A complete refutation of the charges of the *Watchman*, very terse, thorough, and sharp, by "Americanus," appeared in *Holt's Journal* of January 15, 1770. Who this writer was, it is believed, is not now known. The two articles together, divested of their personalities, throw much light upon the history of New York during the old French war, as well as give a vivid idea of the political contests of the De Lanceys and the Livingstons under the old regime.



## NOTE X.

HOW THE POSTING OF M'DOUGALL'S LIBELS WAS EFFECTED.

*Volume I., p. 24.*

"THE method lately used in New York to post up inflammatory handbills, was the same as used in England at the time of the Pretender. It was done by a man who carried a little boy in a box like a magic lantern, and while he leaned against the wall, as if to rest himself, the boy drew back the slide, pasted on the paper, and shutting himself up again, the man took the proper occasion to walk off to another resting place."—*Park's Diary, Moore's Diary Am. Rev.*, vol. i., p. 55.

## NOTE XI.

THE LIBEL FOR WHICH M'DOUGALL WAS INDICTED.—GOV. COLDEN'S ACCOUNT OF HIM AND HIS ARREST, AND HIS OWN STATEMENT.

*Volume I., pages 26-33.*

THE following is a verbatim copy of the handbill, attacking the Assembly, Gov. Colden, and the De Lancey family, from one of the originals preserved in the library of the New York Historical Society, which McDougall wrote, and had posted about the city :

*TO THE BETRAYED INHABITANTS OF THE  
CITY AND COLONY OF NEW YORK.*

My dear Fellow Citizens and Countrymen.

In a Day when the Minions of Tyranny and Despotism in the Mother Country, and the Colonies, are indefatigable in laying every Snare that their malevolent and corrupt Hearts can suggest, to enslave a free People ; when this un-

fortunate Country has been striving under many Disadvantages for three Years past, to preserve their Freedom ; which to an Englishman is as dear as his Life,—when the Merchants of this City and the Capital Towns on the Continents have nobly and chearfully sacrificed their private Interest, to the publick Good, rather than to promote the Designs of the Enemies of our happy Constitution : It might justly be expected, that in this Day of Constitutional Light, the Representatives of this Colony, would not be so hardy, nor be so lost to all sense of Duty to their Constituents (especially after the laudable Example of the Colonies of Massachusetts Bay and South-Carolina before them) as to betray the Trust committed to them. This they have done, in passing the Vote to give the Troops a Thousand Pounds, out of any Monies that may be in the Treasury, and another Thousand out of the Money that may be issued, to be put out on Loan, which the Colony will be obliged to make good, whether the Bill for that Purpose does or does not obtain the Royal Assent. And that they have betrayed the Liberties of the People, will appear from the following Consideration, to wit : That the Ministry are waiting to see whether the Colonies, under their distressed circumstances, will divide on any of the grand Points, which they are united in, and contending for with the Mother Country, by which they may carry their Designs against the Colonies, and keep in the Administration. For if this should not take place the Acts must be repealed ; which will be a Reflection on their Conduct and will bring the Reproach and Clamour of the Nation on them, for the Loss of Trade to the Empire which their Mal-conduct has occasioned.

Our granting Money to the Troops is implicitly acknowledging the Authority that enacted the Revenue-Acts, and their being obligatory on us. As these Acts were enacted for the express Purpose of taking Money out of our Pockets, without our Consent ; and to provide for the Defending and Support of Government in America ; which Revenue we say by our Grant of Money is not sufficient for the Purpose aforesaid ; therefore we supply the Deficiency.

This was the Point of View in which those Acts were considered, by the Massachusetts and South-Carolina Assemblies, and to prevent that dangerous Construction, refuted it. On this important Point we have differed with these spirited Colonies, and do implicitly approve of all the tyrannical Conduct of the Ministry to the Bostonians, and by Implication censure their laudable and patriotic Denial. For if they did right (which every sensible American thinks they did) in refus-

ing to pay the Billeting Money, surely we have done wrong very wrong, in giving it. But our Assembly says, they do their Duty, in granting the Money to the Troops. Consequently the Massachusetts Assembly did not do theirs, in not obeying the Ministerial Mandate. If this is not a Division in this grand Point, I know not what is : and I doubt not but the Ministry will let us know it is to our Cost ; for it will furnish them with Arguments and fresh Courage. Is this a grateful Retaliation to that brave and sensible People, for the spirited and early Notice they took of the Suspending Act ? No, it is base Ingratitude, and betraying the common Cause of Liberty.

To what other Influence than the deserting the American Cause, can the Ministry attribute so pusillanimous a Conduct, as this of the Assembly ; so repugnant and subversive of all the Means we have used, and Opposition that has been made by this and the other Colonies, to the tyrannical Conduct of the British Parliament ! To no other. Can there be a more ridiculous Farce to impose on the People, than for the Assembly to vote their Thanks to be given to the Merchants, for entering into an Agreement not to import Goods from Britain, until the Revenue Acts should be repealed, while they at the same Time counteract it by countenancing British Acts, and complying with Ministerial Requisitions, incompatible with our Freedom ? Surely there cannot.

And what makes the Assembly's granting this Money the more grievous is, that it goes to the Support of Troops kept here, not to protect, but to enslave us. Has not the Truth of this Remark been lately exemplified in the audacious, domineering and inhuman Maj. Pullaine, who ordered a Guard to protect a sordid Miscreant, that transgressed the laudable Non-Importation Agreement of the Merchants, in order to break that, which is the only Means left them, under God, to baffle the Designs of their Enemies, to enslave this Continent. This Consideration alone ought to be sufficient to induce a free People, not to grant the Troops any Supply whatsoever if we had no Dispute with the Mother Country, that made it necessary not to concede anything that might destroy our Freedom ; Reasons of Œconomy and good Policy suggest, that we ought not to grant the Troops Money.

Whoever is the least acquainted with the English History, must know, that Grants frequently made to the Crown, is not to be refused, but with some degree of Danger of disturbing the Repose of the Kingdom or Colony. This evinces the Expediency of our stopping these Grants now, while we

are embroiled with the Mother Country ; that so we may not, after the grand Controversy is settled, have a new Bone of Contention about the Billeting Money ; which must be the case if we do not put an End to it at this Time : For the Colony, in its impoverished State, cannot support a Charge which amounts to near as much per Annum, as all the other Expences of the Government besides.

Hence it follows, that the Assembly have not been attentive to the Liberties of the Continent nor to the Property of the good People of this Colony, in particular. We must therefore attribute this Sacrifice of the public Interest, to some corrupt Source. This is very manifest in the Guilt and Confusion, that covered the Faces of the perfidious Abettors of this Measure, when the House was in Debate on the Subject. Mr. Colden knows, from the Nature of Things, that he cannot have the least Prospect to be in Administration again ; and therefore, that he may make Hay while the Sun shines, and get a full Salary from the Assembly, flatters the ignorant Members of it, with the Consideration of the Success of a Bill to emit a Paper Currency, when he and his artful Coadjutors must know, that it is only a snare to impose on the simple ; for it will not obtain the Royal Assent. But while he is solicitous to obtain his Salary, he must attend to his Posterity. And as some of his Children hold Offices under the Government, if he did not procure an Obedience to its Requisitions, or do his Duty, in case the Assembly refused the Billeting Money, by dissolving them, his Children might be in danger of losing their Offices. If he dissolved the Assembly, they would not give him his Salary.

The De Lancey Family knowing the Ascendency they have in the present House of Assembly and how useful that Influence will be to their ambitious Designs, to manage a new Government, have left no Stone unturned to prevent a Dissolution. The Assembly, conscious to themselves, of having trampled on the Liberties of the People, and fearing their just Resentments on such an Event, are equally carefull to preserve their Seats, expecting that if they can do it at this critical Juncture, as its imagined the grand Controversy will be settled this Winter, they will serve for seven Years ; in which Time they hope the People will forget the present Injuries done them. To secure these several Objects, the De Lancey Family, like true Politicians, altho' they were to all Appearance, at mortal Odds with Mr. Colden, and represented him in all Companies, as an Enemy to his Country ; yet a Coalition is now formed, in order to secure to them the

Sovereign Lordship of this Colony. The Effect of which, has given Birth to the abominable Vote, by which the Liberties of the People are betrayed. In short, they have brought Matters to such a Pass, that all the Checks resulting from the Form of our happy Constitution, are destroyed. The Assembly might as well invite the Council, to save the Trouble of Formalities, to take their Seats in the House of Assembly, and place the Lieutenant Governor in the Speaker's Chair, and then there would be no Waste of Time in going from House to House, and his Honour would have the Pleasure to see how zealous his former Enemies are in promoting his Interest to serve themselves. Is this a State to be rested in, when our all is at Stake? No my Countrymen, Rouse! imitate the noble Example of the Friends of Liberty in England, who rather than be enslaved, contend for their right with K——g, Lords and Commons. And will you suffer your Liberties to be torn from you by your own Representatives? Tell it not in Boston; publish it not in the Streets of Charlestown! You have means yet left to preserve Unanimity with the brave Bostonians and Carolinians; and to prevent the Accomplishment of the Designs of Tyrants. The House was so nearly divided on the Subject of granting the Money in the Way the Vote passed, that one would have prevented it; you have therefore a respectable Minority. What I would advise to be done, is, to assemble in the Fields, on Monday next, where your Sense ought to be taken on this important Point; notwithstanding the Impudence of Mr. Jauncey, in his declaring in the House, that he had consulted his Constituents, and that they were for giving Money. After this is done, go in a Body to your Members, and insist on their joining with the Minority to oppose the Bill; if they *dare* refuse your just Requisition,—appoint a Committee to draw up a State of the whole Matter, and send it to the Speakers of the several Houses of Assembly on the Continent, and to the Friends of our Cause in England, and publish it in the News-Papers, that the whole World may know your Sentiments on this Matter, in the only Way your Circumstances will admit: And I am confident it will spirit the Friends of our Cause, and chagrin our Enemies. Let the Notification to call the People, be so expressed, that whoever absents himself, will be considered as agreeing to what may be done by such as shall meet.—And that you may succeed, is the unfeigned Desire of,

A SON OF LIBERTY.

NEW YORK, Dec. 16th, 1769.

GOVERNOR COLDEN'S ACCOUNT OF M<sup>C</sup>DOUGALL'S ACTS AND ARREST IN HIS DESPATCH TO LORD HILLSBOROUGH OF 21ST FEBRUARY, 1770.

*Col. Hist. N. Y.*, viii., 208.

"My Lord, it is my duty to inform your Lord that a violent party, continue their assiduous endeavours to disturb the Govern<sup>t</sup>, by working on the passions of the populace, and exciting riots, who in every attempt they have hitherto been unsuccessful. The last, might have been of fatal consequence, if not prevented by the prudent conduct of the Magistrates and Officers of the Army. An ill humor had been artfully worked up between the Towns people and Soldiers, which produced several affrays, and daily, by means of wicked incendiaries, grew more serious. At last some Towns people began to arm, and the Soldiers rushed from their Barracks to support their fellow Soldiers. Had it not been for the interposition of the Magistrates, and of the most respectable Inhabitants, and of the Officers of the Army, it had become a very dangerous affair—as it was, only a few wounds and bruises were received on both sides. A very respectable number of the principal Citizens publicly met together, and sent 42 of their number to the Mayor, to assure the Magistrates of their assistance, in preserving the peace of the Town; and the Officers of the Army were no less assiduous in quieting the minds of the Soldiers, and in guarding against every accident, which might renew any dispute with the Towns people—since which, the place has remained quiet. It is not doubted here, that these disturbances were promoted by the Enemy of Govern<sup>t</sup>, in order to raise an indignation against the Assembly (then sitting) for granting money to the Soldiers, who were represented as ready to cut the throats of the Citizens.

The persons who appear on these occasions are of inferior rank, but it is not doubted they are directed by some persons of distinction in this place. It is likewise thought, they are encouraged by some persons of note in England. They consist chiefly of Dissenters, who are very numerous, especially in the Country, and have a great influence over the Country Members of Assembly. The most Active among them are independents from New England, or educated there, and of Republican principles. The friends of the administration, are of the Church of England, the Lutherans, and the old Dutch congre-

gation, with several Presbyterians. From this, the reason will appear of some bills having passed the House of Assembly in favour of the Dissenters, and in prejudice to the few ministers of the Church of England, who have stipends by a law of this Prov<sup>ce</sup>. There was less opposition to them in that House, from the confidence they had, that they would not be passed by the Council—they were accordingly rejected there. I must leave it to your Lord's judgement, whether these things deserve His Maj<sup>ty</sup>'s attention, and I transmit to the Plantation Board a printed copy of the journal of the Assembly to enable you to form your judgem<sup>t</sup> thereon.

In my letter of January 6th, No. 8, I inclosed a printed copy of a libel directed: "To the Betrayed Inhabitants of the City and Colony of New York" with a proclamation I issued, with the advice of the Council, and on an address of the Assembly, offering a reward of £100 for the discovery of the author. One Alexander McDougall is now in Jail; committed on the oath of the Printer and his Journey Men, as the author and publisher of that Libel. He is a person of some fortune, and could easily have found the Bail required of him, but he choose to go to Jail, and lyes there immitating Mr. Wilkes in everything he can. When he comes to his Tryal it will appear what dependence we may have on a Jury of this place; the most respectable persons in the place, openly declare their opinion, that he highly deserves punishment."

#### M<sup>C</sup>DOUGALL'S OWN ACCOUNT.

After McDougall was imprisoned he published in *Holt's Journal* a paper on his arrest, addressed "To the Freeholders, Freemen and Inhabitants of the Colony of New York; and to all the friends of liberty in North America," and dated, "from the New Gaol,<sup>1</sup> February 9, 1770," in which he gives the following account of the affair:

It is supposed on good GROUNDS, that one CUMMINS, a young Stripling, from *Cork*, then a Journey-Man to *James Parker*, one of the Printers of this City, but afterwards discharged for bad Behaviour, allured by the proffered Reward, lodged a Complaint against him as the Printer of the above-mentioned Paper: For on Wednesday the 7th Instant, the Sheriff took him into Custody on a Warrant

<sup>1</sup> Now the Hall of Records, in the Park.

issued by his Honour the Chief Justice, in which, as I am informed, he was charged as the Printer of that Paper, and made amenable before the Lieut. Governor and Council, to be examined concerning the Premises. This Process was in all Things strictly executed. While he was detained in a Course of Examination in the Fort, before the Lieut. Governor and the Council, the Sheriff returned to Mr. *Parker's* House, and took all his Apprentices into Custody, and immediately conducted them to the Fort. Upon their Entrance, their Master, who had not the least Opportunity of seeing them after he was arrested, was ordered into another Appartment, under the Custody of the Sheriff, and by that Means was absent at their Examination. The eldest, as he declares, was first examined, and the Paper in Question, being produced to him, he was asked whether he had seen it before? To which he answered, that he had frequently seen it, as many others had, for that printed Copies of it had been dispersed about the City: He further alledges, that tho' repeatedly pressed to declare whether it was printed at his Master's Office he refused to make any such Declaration; but that at Length being threatened with a Commitment, he confessed that it was printed by Mr. *Parker*, and at the same Time assured the Lieut. Governor and Council, that he was ignorant of the Author. The younger Apprentices, after his Example, charged the Printing of the Paper on their Master; after which they were all dismissed. Further Proof being thus procured against Mr. *Parker*, he was again brought before the Lieut. Governor and the Council, and re-examined on the subject; and tho' he repeatedly refused to discover the Author, yet being at length wrought upon by Threats that Application would be made to his Superiors, to procure his Dismission from his Employment in the Post-Office, and that he must either give Bail or be committed, unless he would discover the Author; and not having had it in his Power to consult with the Publisher about an Indemnification from him, he resolved to make the Discovery, provided he could procure the Engagement of the Government, that he should not be prosecuted. This Engagement his Honour and the Council, after some Consideration, thought proper to make. Upon which he submitted to an Examination on Oath, and then was discharged on his single Recognizance, to appear and give Evidence against the Person whom he charged as the Publisher of the Paper.—Early the next Morning the Sheriff came to my House and took me into Custody, on a Bench Warrant issued by his Honour the Chief Justice, wherein I was charged with



causing the Paper to be printed, which in the Warrant is said to be a *false, seditious and infamous Libel*; and the Sheriff, according to the Command of the Precept, conducted me to the Chief Justice's Chamber, to be examined concerning the Premises, and to be dealt with according to Law. Tho' no Questions were put to me upon my being presented to the Chief Justice, yet immediately on my Entrance into his Chamber, his Honour said to me "So you have brought yourself into a pretty Scrape."

To which I replied, "May it please your Honour, that must be judged by my Peers." He then told me, that there was full Proof, that I was the Author or "Publisher of the above mentioned Paper," which he called a *false, vile, and scandalous Libel*. I replied again, "this must also be tried by my Peers."

His Honour thereupon informed me, that I must either give Bail or go to Gaol. I answered, "Sir, I will give no Bail." He was then pleased to order the Sheriff to take me to Gaol, and made out a Mittimus, charging me as the Author and Publisher of a "certain false, scandalous, seditious, and infamous Paper, addressed, directed to the betrayed Inhabitants of the City and Colony of New-York, and subscribed a Son of Liberty; and commanding the Sheriff therewith to receive me, and safely keep me in Gaol, until I shall thence be delivered by due course of Law."

*New York Journal, or the General Advertiser, of Feb. 15, 1770, No. 1415, pp. 2 and 3.*

#### MCDUGALL'S SECOND LETTER.

On Feb. 24, 1770, sixteen days after his arrest, McDougall published in the same newspaper another letter to the public, addressed similarly to the first, giving his views of the politics of the Province from 1766, which he closes in the following words:

"To our Sovereign and his illustrious House all *America* professes, and *seriously* professes, the most inviolate attachment; and surely with a gracious King upon the Throne, the Exercise of our Constitutional Right of refusing Aids subversive of our Security, can bring no just Impeachment upon our Loyalty and Affection. 'Tis this Right that constitutes *Britain* a free State; and that *Americans* may enjoy *British Liberties* and *British Securities* to the latest Posterity is

the ardent Prayer and (when delivered from his imprisonment) shall be the strenuous Endeavours of the Public's most

"Obedient humble Servant,

"ALEX. MCDUGALL."

McDougall's course was an imitation of that of the famous "Jack Wilkes" in England in 1763. "No. 45" was the number of Wilkes' *North Briton* declared by the House of Commons, by a vote of 273 to 111, to be "a false, scandalous, and seditious libel, containing expressions of the most unexampled insolence and contumely towards his Majesty, the gravest aspersions upon both houses of Parliament, and the most audacious defiance of the authority of the whole Legislature, and most manifestly tending to alienate the affections of the people from his Majesty, to withdraw them from their obedience to the laws of the realm, and to excite them to traitorous insurrections." There were in the hands of McDougall and his friends a full and detailed account of the Wilkes transactions, termed "*The History of the late Minority, exhibiting the Conduct, Principles, and Views of that party during the years 1762, 1763, 1764, and 1765,*" a pamphlet privately printed in London in 1765, the first edition being limited to twelve copies only. About the 1st of June, in the next year, 1766, a large edition was issued, and a third about the middle of the same month.

The work referred to, a bound pamphlet, is not very rare, and the copy used by the editor, purchased in New York, formerly belonged to Philip Livingston, and has his autograph and book plate of the Livingston arms.

The Presbyterian party here simply re-enacted on the smaller stage of New York what had already been performed by Wilkes's party on the larger one of London.

In Holt's *New York Journal* of 22d March and 29th March, 1770, and Gainc's *N. Y. Gazette* of 19th Feb., 1770, are contained accounts of the visits of the "45 ladies" and the "45 gentlemen" to McDougall, mentioned in the text.

The name of the journeyman printer referred to was *Cummings*.

James Parker, the printer, died on Monday, July 2d, 1770, while at the house of Mr. Hollingshead, in Burlington, New Jersey. He was probably on a visit, as his home was at Woodbridge, of which he was a native, and where he was buried. His age was 56. His health had been failing previous to his death.—*Holt's Journal*, 5th July, 1770. *Col. Hist. N. Y.*, viii., 221.

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## NOTE XII.

AUTHORSHIP OF THE PAMPHLET, "A REVIEW OF THE MILITARY OPERATIONS," ETC., IN A LETTER TO A NOBLE LORD.

*Volume I., p. 29.*

THIS pamphlet, the full title of which is, *A Review of the Military Operations in North America, from the Commencement of the French Hostilities on the Frontiers of Virginia, in 1753, to the Surrender of Oswego, on the 14th August, 1756, in a Letter to a Noble Man*, was published anonymously. It was printed in England, under the superintendence of William Alexander, who there assumed the title of Earl of Stirling. He was, during the French war, an aid to Gov. Shirley, of Massachusetts, by whom he was taken to England at its close, and remained there from the autumn of 1756 to some time in 1761. It was, and usually has been, ascribed to Mr. William Livingston, and Sedgwick, in his *Life of Livingston* (note on p. 448), enumerates it in a list of his writings. But this appears to be a mistake. He doubtless was cognizant of it, but the real writer was most probably William Smith, son of the historian, subsequently chief-justice of Canada. The author of this work evidently believed Livingston wrote it; but the *Hon. Samuel Jones*, his cousin, who was, at the time the pamphlet came out, a clerk in the office of William Smith, in a letter to John Pintard, Recording Secretary

of the N. Y. Historical Society, dated 24th Nov., 1817, says : " This pamphlet was written in New York ; and it is believed, from circumstances, that William Smith, afterwards chief-justice of Canada, was the author ; that he copied it himself, never permitting either of his clerks to see a word of it ; that the manuscript was carefully nailed up in a box prepared for the purpose, and sent to London to be printed. The pamphlets, when received from London, were not publicly distributed ; and only a few of them were given to particular individuals. But it soon became known in the city that such a pamphlet existed. I was then a clerk in Smith's office, and wished to procure one of the pamphlets, but all my endeavors were fruitless ; and I never got one until some time during the Revolutionary War, when I met with one at an auction in New York, and purchased it."

Mr. Pintard subsequently replied on the 10th Dec., and on the 20th Dec., 1817, Mr. Jones says, in a second letter, apparently in answer to an inquiry of Pintard's : " The pamphlet entitled *A Letter to a Noble Lord*, could not have been the joint production of Smith, Livingston and Alexander, as Mr. Alexander was then in England soliciting the payment of a large balance due from the Crown to the New York contractors for the army. He remained there from some time in the autumn of 1756 until some time in 1761. During that period he assumed the title of nobility. The manuscript was probably sent to him to get it printed ; or he might have been furnished with the matter by Smith, or Livingston, or both, and procured it to be written and printed in London. The last time I saw Judge Benson, he told me that some person in New York, whom he named, but whose name I do not recollect, was possessed of the manuscript. If I could see it, I think I could ascertain whether it is in the handwriting of Smith, Livingston, or Alexander."—*N. Y. Hist. Soc. Coll.*, iii., p. 361, and p. 348. *Col. Hist. N. Y.*, vi., 959, and vii., 909. *Smith's Hist. N. Y.*, ii., pp. 255-56.

## NOTE XIII.

THE COMMITTEES OF "FIFTY" AND "FIFTY-ONE" OF 1774,  
AND THEIR ORIGIN.*Vol. I., p. 34.*

THE author's statement of the origin of the Committees of "Fifty" and "Fifty-one," in the first paragraph of chapter II., is somewhat confused. The committee which was "dissolved" was not the Committee of "Fifty," nor that of "Fifty-one," but the old non-importation committee, or "Committee of Inspection," as it was called, appointed in 1768, to see that the agreement of non-importation was duly kept. This was the agreement, made August 27th, 1768, to import nothing from Great Britain, Hamburg, or Holland, until the Act of Parliament, passed after the repeal of the Stamp Act, in 1766, imposing duties on paper, glass, etc., should be repealed.<sup>1</sup> This committee, of which Isaac Low was chairman, continued until 1774, and its members were :

James Desbrosses, Jr.,	Peter Van de Voort,
John Alsop,	Isaac Low,
John Broome,	Thomas William Moore,
William Neilson,	Henry Remsen, Jr.,
Theodorus Van Wyck,	John Harris Cruger,
Walter Franklin,	John Thurman, Jr.,
John Murray,	Thomas Walton,
Jacob Watson,	Peter T. Curtenius,
Theophilact Bache,	Hubert Van Wagenen,
Thomas Franklin, Jr.,	Joseph Bull,
Samuel Verplanck,	Edward Laight,
Isaac Sears,	Charles McEvers.

On Monday, May 16, 1774, pursuant to a public advertisement, at a meeting "of a very respectable and large number of the Merchants and other inhabitants" at the Exchange<sup>2</sup>

<sup>1</sup> Holt's Journal of Sept. 8, 1768.

<sup>2</sup> "The Exchange," a building on arches, stood at the foot of Broad Street, in the street itself.

(to which it adjourned from Fraunces's Tavern,<sup>1</sup> where it was called, on account of the great attendance), of which Isaac Low was chosen chairman, a committee of *Fifty*, "to correspond with the neighbouring colonies on the present important crisis," was "nominated" "for the approbation of the Public, by a great majority."

At this meeting it was proposed that the new committee, instead of "*Fifty*," should be "*Twenty five*," and a list of twenty-five, stated in its caption to be "nominated by a Number of respectable Merchants and the Body of Mechanics of this city," was presented for adoption as such Committee.

This proposition was voted down, and "*Fifty*" determined on as the number of the new Committee.

On Tuesday, the 17th, a notice was placarded, calling "a general meeting" "at the *Coffee House*"<sup>2</sup> on Thursday, the 19th, "to declare the universal assent" to the Fifty persons nominated on the 16th, and to confirm them, or make other nominations.

On the evening of this same day an express arrived from Boston with the news of the reception there, on the 10th, of the Boston Port Bill, closing that port, and removing the capital to Salem. This news created great excitement. Mr. Francis Lewis, who, a short time previously, had been suspected of offering to furnish the British army in Boston with supplies, and whose name was not among the "*Fifty*," but was in the list of "*Twenty-five*," insisted that there should be another name added to the former list, that the Committee might consist of an odd, and not an even number, and was active in urging this view.

The exciting news from Boston caused a large attendance at the Coffee House on the 19th. Mr. Low was in the chair, and made a strong speech; the "*Fifty*" nominated on the 16th were confirmed, and Mr. Francis Lewis was chosen an additional member, thus making the new Committee a "*Committee of Fifty-one*." In the words of the record, "The

<sup>1</sup> Fraunces's Tavern, the old De Lancey Mansion, still stands on the southeast corner of Broad and Pearl Streets, and nearly faced the Exchange.

<sup>2</sup> At southeast corner of Wall and Pearl Streets.

nomination of the Fifty Gentlemen, made at the Exchange on the 16th inst., was then submitted by Mr. Low, and confirmed by the Meeting, and Mr. Francis Lewis was added to the number by unanimous consent."

On the 30th of May, Joseph Allicocke was appointed Secretary of the Committee, but he resigned on the 20th of June succeeding, when John Blagge was unanimously appointed in his place.—*Proceedings of the Committee, broadsides in the Hist. Soc. Library, 1 Force's Am. Archives*, 293-330. *Jones' Hist.*, vol. ii., p. 360.

"*The Committee of Fifty-one*" thus formed was therefore the *only* Committee of Correspondence appointed, that of "Fifty" and that of "Twenty-five" being merely *nominations*. And it was this Committee of Fifty-one alone which acted in New York until its dissolution on Nov. 22, 1774, as hereafter stated.

It will be observed that it was *not elected by the people*. Nobody ever proposed any such election of any Committee, of any number. The "Merchants and Inhabitants" made out their list of fifty, and the "Mechanics" made out their list of twenty-five, and all that either party ever proposed that *the people* should do, and all that the people ever were asked to do, and all that the people ever did do, was merely to "confirm," by a *viva voce* vote, a pre-arranged list of names. Finding themselves unable to effect their object, the proposers of the "Twenty-five" gave up their opposition to, and acquiesced in, the Committee of Fifty-one. No formal action seems to have been taken, but the following appears in the news columns of the paper in which they published their notices, *Holt's New York Journal*, of 26th of May, 1774 :

"Since the Meeting at the Coffee House on Thursday last, the Merchants and Mechanics, who were opposed to the Committee of Correspondence, consisting of Fifty-one Persons, have, for the Salutary Purpose of Union among ourselves, agreed to that Number ; and that the Gentlemen whose names were published in Mr. Gaine's last Paper, be the Committee for this city."

The Committee of "Fifty-one" existed until 22d Nov., 1774, when, under its own resolution of 15th November, 1774,

it dissolved, and was superseded by a "*Committee of Sixty*," chosen in consequence of the "Association" or agreement, adopted by the Congress at Philadelphia, on the 24th of October, 1774. The eleventh article of this "Association" provided for the choosing by the legally qualified voters of every county, city and town, of a Committee "whose Business it shall be," in the words of the resolution, "attentively to observe the Conduct of all persons touching this Association, and when it shall be made to appear, to the satisfaction of a Majority of any such Committee, that any person within the limits of their Appointment has violated this Association, that such Majority do forthwith cause the Truth of the case to be published in the Gazette; to the end that all such Foes to the Rights of *British America* may be publicly known, and universally contemned as the enemies of *American Liberty*; and thenceforth we respectively will break off all Dealings with him or her."—*Journals of Congress*, 1774, p. 35.

The following documents, giving the names of the two sets of nominees, and the first letter of the Committee of Fifty-one, are copies of the original "Broadside" in the Library of the N. Y. Historical Society:

*A Committee of Twenty-Five.*

The following are nominated by a Number of respectable Merchants and the Body of Mechanics of this City, to be a Committee of Correspondence for it, with the Neighbouring Colonies.

- |                            |                         |
|----------------------------|-------------------------|
| 1. John Alsop,             | 13. Nicholas Hoffman,   |
| 2. Theophilact Bache,      | 14. Abraham Walton,     |
| 3. Peter V. B. Livingston, | 15. Henry Remsen,       |
| 4. Isaac Sears,            | 16. George Bowne,       |
| 5. David Johnston,         | 17. Peter T. Curtenius, |
| 6. Alexander McDougall,    | 18. Abraham P. Lott,    |
| 7. Thomas Randall,         | 19. John Aspinwall,     |
| 8. Leonard Lispenard,      | 20. Gerrard W. Beekman, |
| 9. Jacobus Van Zandt,      | 21. Abraham Duryee,     |
| 10. Thomas Pearsall,       | 22. Joseph Bull,        |
| 11. Richard Yates,         | 23. Richard Sharp,      |
| 12. John Broome,           | 24. Thomas Marston,     |
|                            | 25. Francis Lewis.      |



At a Meeting at the Exchange, 16th May, 1774, ISAAC LOW chosen CHAIRMAN.

1st. Question put, Whether it is necessary, for the present, to appoint a Committee to correspond with the neighbouring Colonies on the present important Crisis? Carried in the Affirmative by a great Majority.

2d. Whether a Committee be nominated this Evening for the Approbation of the Public? Carried in the Affirmative by a great Majority.

3d. Whether the Committee of 50 be appointed, or 25?—Carried for 50, by a great Majority.

*The following Persons were nominated:*

John Alsop,	Benjamin Booth,
William Bayard,	Joseph Hallet,
Theopylact Bache,	Charles Shaw,
Peter V. B. Livingston,	Alexander Wallace,
Philip Livingston,	James Jauncey,
Isaac Sears,	Gabriel H. Ludlow,
David Johnston,	Nicholas Hoffman,
Charles McEvers,	Abraham Walton,
Charles Nichol,	Gerardus Duyckinck,
Alexander McDougall,	Peter Van Schaick,
Capt. Thomas Randal,	Henry Remsen,
John Moore,	Hamilton Young,
Isaac Low,	George Bowne,
Leonard Lispenard,	John Broom,
Jacobus Van Zandt,	Peter T. Curtenius,
James Duane,	Peter Goelet,
Edward Laight,	Abraham Brasher,
Thomas Pearsal,	Abraham P. Lott,
Elias Desbrosses,	David Van Horne,
William Walton,	Gerardus W. Beekman,
Richard Yates,	Abraham Duryee,
John De Lancey,	Joseph Bull,
Miles Sherbrook,	William McAdam,
John Thurman,	Richard Sharpe,
John Jay,	Thomas Marston,
	Francis Lewis.

This Committee was the first body organized in New York to oppose those Acts of Parliament, passed subsequently to January 1, 1767, which resulted in the loss of the British Colonies and the establishment of American independence.

Their first action (on 23d May, 1774) was to reply to a com-

munication, inclosing the vote of Boston on the 13th, and a letter of the Boston Committee of Correspondence, delivered to them by the express, Paul Revere. A Sub-committee, consisting of John Jay, Isaac Low, James Duane, and Alexander McDougall, reported the following letter—probably written by John Jay—which contains the first proposal of a Congress of all the Colonies for the security of their common rights. It was adopted, and sent to Boston by Paul Revere.

The First Letter wrote by the Committee of Fifty-one to Boston.

New York, May 23, 1774.

Gentlemen,

The alarming measures of the British Parliament relative to your ancient and respectable town, which has so long been the seat of freedom, fill the inhabitants of this city with inexpressible concern. As a sister colony suffering in defence of the rights of America, we consider your injuries as a common cause ; to the redress of which, it is equally our duty and our interest to contribute. But what ought to be done in a situation so truly critical, while it employs the anxious thoughts of every generous mind, is very hard to be determined. Our citizens have thought it necessary to appoint a large committee, consisting of fifty-one persons, to correspond with our sister colonies, on this and every other matter of public moment ; and, at ten o'clock this forenoon we were first assembled. Your letter, enclosing the vote of the town of Boston, and the letter of your Committee of Correspondence were immediately taken into consideration. While we think you justly entitled to the thanks of your sister colonies, for asking their advice on a case of such extensive consequences ; we lament our inability to relieve your anxiety by a decisive opinion. *The cause is general and concerns a whole continent*, who are equally interested with you and us : And we foresee, that no remedy can be of avail, unless it proceeds from the joint act and approbation of all. From a virtuous and spirited union, much may be expected, while the feeble efforts of a few, will only be attended with mischief and disappointments to themselves, and triumph to the adversaries of our liberty. Upon these reasons we conclude, that a *Congress* of Deputies from the colonies in general, is of the utmost moment ; that it ought to be assembled without delay, and some unanimous resolutions formed in this fatal emergency, not only respecting your deplorable circumstances, but the *security of our common rights*. Such being our sentiments, it must be premature to pronounce any judgment on the expedient which you have suggested. We beg, however, that you will do us the justice to believe, that we shall continue to act with a firm and becoming regard to American freedom, and to

*co-operate with our sister colonies* in every measure which shall be thought salutary and conducive to the public good. We have nothing to add, but that we sincerely condole with you in your unexampled distresses, and to request your *speedy opinion of the proposed Congress*, that if it should meet with your approbation, we may exert our utmost endeavours to carry it into execution.

By Order of the Committee of Correspondence,  
Isaac Low, Chairman.

Mr. Gouverneur Morris, who was present at the meeting of the 16th May at the Exchange, in a letter<sup>1</sup> to Mr. Penn, of Philadelphia, written four days afterwards, thus vividly describes the appointment of the Committee, and the state of men and affairs in New York in 1774:

'New York, May 20th, 1774.

'Dear Sir,

You have heard, and you will hear, a great deal about politics, and in the heap of chaff *you* may find some grains of good sense. Believe me, Sir, freedom and religion are only watch words. We have appointed a Committee, or rather we have nominated one. Let me give you the history of it. It is needless to premise, that the lower orders of mankind are more easily led by specious appearances, than those of a more exalted station. This and many similar propositions you know better than your humble servant.

'The troubles in America during Grenville's administration put our gentry upon this finesse. They stimulated some daring coxcombs to rouse the mob into an attack upon the bounds of order and decency. These fellows became the Jack Cades of the day, the leaders in all riots, the belwethers of the flock.<sup>2</sup> The reason of the manœuvre in those, who wished to keep fair with government, and at the same time to receive the incense of popular applause, you will readily perceive. On the whole, the shepherds were not much to blame in a politic point of view. The belwethers jingled merrily, and roared out liberty, and property, and religion, and a multitude of cant terms, which every one thought he understood, and was egregiously mistaken. For you must know the shepherds kept the dictionary of the day, and like the mysteries of the ancient mythol-

<sup>1</sup> Sparks's Life of Gouv. Morris, vol. i., p. 23.

<sup>2</sup> The principal "belwethers," otherwise "Sons of Liberty," were Isaac Sears, John Lamb, Gershom Mott, William Wiley, and Thomas Robinson, who at the first meeting which passed resolves to oppose the distribution of stamps under the Stamp Act on the 31st of October, 1765, volunteered, after the "shepherds"—the leading Merchants of the city—had declined, to be a Committee of Correspondence with other Colonies to give effect to the resolves. Vide *Holt's Journal of 7th Nov., 1765*.

ogy, it was not for profane eyes or ears. This answered many purposes; the simple flock put themselves entirely under the protection of these most excellent shepherds. By and bye behold a great metamorphosis, without the help of Ovid or his divinities, but entirely effectuated by two modern genii, the god of ambition and the goddess of faction. The first of these prompted the shepherds to shear some of their flock, and then, in conjunction with the other, converted the belwethers into shepherds. That we have been in hot water with the British Parliament ever since, every body knows. Consequently these new shepherds had their hands full of employment. The old ones kept themselves least in sight, and a want of confidence in each other was not the least evil which followed. The port of Boston has been shut up. These sheep, simple as they are, cannot be gulled as heretofore. In short, there is no ruling them; and now, to leave the metaphor, the heads of the mobility grow dangerous to the gentry, and how to keep them down is the question. While they correspond with the other colonies, call and dismiss popular assemblies, make resolves to bind the consciences of the rest of mankind, bully poor printers, and exert with full force all their other tribunitial powers, it is impossible to curb them.

‘But art sometimes goes farther than force, and therefore to trick them handsomely a committee of patricians was to be nominated, and into their hands was to be committed the majesty of the people, and the highest trust was to be reposed in them by a mandate, that they should take care, *quod respublica non capiat injuriam*. The tribunes, through want of a good legerdemain in the senatorial order, perceived the finesse, and yesterday I was present at a grand division of the city, and there I beheld my fellow citizens very accurately counting all their chickens, not only before any of them were hatched, but before above one-half of the eggs were laid. In short, they fairly contended about the future forms of our government, whether it should be founded upon Aristocratic or Democratic principles.

‘I stood in the balcony, and on my right hand were ranged all the people of property, with some few poor dependants, and on the other all the tradesmen, &c. who thought it worth their while to leave daily labor for the good of the country. The spirit of the English Constitution has yet a little influence left, and but a little. The remains of it, however, will give the wealthy people a superiority this time, but would they secure it, they must banish all schoolmasters, and confine all knowledge to themselves. This cannot be. The mob begin to think and to reason. Poor reptiles! it is with them a vernal morning, they are struggling to cast off their winter’s slough, they bask in the sunshine, and ere noon they will bite, depend upon it. The gentry begin to fear this. Their committee will be appointed, they will deceive the people, and again forfeit a share of their confidence. And if these instances of what with one side is policy, with the other perfidy, shall continue to increase, and become more frequent, farewell aristocracy. I see, and I see it with fear and trembling, that if the disputes with Britain continue, we shall be

under the worst of all possible dominions. We shall be under the domination of a riotous mob.

‘It is the interest of all men, therefore, to seek for reunion with the parent state. A safe compact seems in my poor opinion to be now tendered. Internal taxation to be left with ourselves. The right of regulating trade to be vested in Britain, where alone is found the power of protecting it. I trust you will agree with me, that this is the only possible mode of union. Men by nature are free as the air. When they enter into society, there is, there must be, an implied compact, for there never yet was an express one, that a part of this freedom shall be given up for the security of the remainder. But what part? The answer is plain. The least possible, considering the circumstances of the society, which constitute what may be called its political necessity. And what does this political necessity require in the present instance? Not that Britain should lay imposts upon us for the support of government, nor for its defence. Not that she should regulate our internal police. These things affect us only. She can have no right to interfere. To these things we ourselves are competent. But can it be said, that we are competent to the regulating of trade? The position is absurd, for this affects every part of the British Empire, every part of the habitable earth. If Great Britain, if Ireland, if America, if all of them, are to make laws of trade, there must be a collision of these different authorities, and then who is to decide the *vis major*? To recur to this, if possible to be avoided, is the greatest of all great absurdities.

‘Political necessity therefore requires, that this power should be placed in the hands of one part of the empire. Is it a question which part? Let me answer by asking another. Pray which part of the empire protects trade? Which part of the empire receives almost immense sums to guard the rest? And what danger is in the trust? Some men object, that England will draw all the profits of our trade into her coffers. All that she can, undoubtedly. But unless a reasonable compensation for his trouble be left to the merchant here, she destroys the trade, and then she will receive no profit from it.

‘If I remember, in one of those kind letters with which you have honoured me, you desire my thoughts on matters as they rise. How much pleasure I take in complying with your requests let my present letter convince you. If I am faulty in telling things, which you know better than I do, you must excuse this fault, and a thousand others for which I can make no apology. I am, Sir, &c.

‘GOUVERNEUR MORRIS.’

The following extract from an official despatch of Gov. Colden to the Minister in England, narrates the facts as to the appointment of the Committee of Fifty-one, and their action.—*Col. Hist. N. Y.*, viii., p. 433.

Lieutenant-Governor Colden to the Earl of Dartmouth.

New York, 1st June, 1774.

\* \* \* \* \*

The Act of Parliament shutting up the Port of Boston, was brought to this Place by a Merch<sup>t</sup> Vessel, a few Days before I received it from your Lordship's Office. The Act was immediately publish'd in all our News Papers, and was the subject of all Conversation. I knew that People universally in this Colony had received such Ideas of being taxed at the Pleasure of Parliament, that I was particularly anxious, upon this occasion, to discover the Sentiments of those who might have most Influence over others, and was assured by the Gentlemen of the Council, and others of weight in the City, that no means would be omitted, to prevent the hot headed People taking any measures that might endanger the Peace and Quiet of the Colony.

The Men who at that time call'd themselves the Committee—who dictated, and acted in the name of the People, were many of them, of the lower Rank and all, the warmest zealots of those call'd the Sons of Liberty.<sup>1</sup>—The more considerable Merchants & Citizens seldom or never appeared among them; but I believe were not displeased with the Clamour and Opposition that was shewn against internal Taxation by Parliament.—The Principal Inhabitants being now afraid that these hot headed men might run the City into dangerous measures, appeared in a considerable body, at the first Meeting of the People after the Boston Port Act was publish'd here.—They dissolved the former Committee, and appointed a new one of 51 Persons. in which care was taken to have a number of the most prudent and considerate People of the Place, some of them have not before join'd in the Public proceedings of the Opposition, and were induced to appear in what they are sensible is an illegal character, from a Consideration that if they did not, the business would be left in the same rash hands as before.

Letters had been received from Boston with an Invitation from that Town to the Sister Colonies immediately to come into a Resolution to refrain from any Commerce with Great Britain and the West India Islands, till the Act for shutting up the Port of Boston was repealed. A printed Hand Bill of this Proposal is inclosed.

I am inform'd that the New Committee, in their Answer to Boston, have given them no reason to expect that the Merchants of this

<sup>1</sup> Who, or how many, the "Sons of Liberty" in *New York* really were, is not certain, as, it is believed, they issued no "proceedings" nor "lists" of names. In the *Home Journal* of January 7th, 1848, was published an article giving lists for Maryland, Pennsylvania, New Jersey, and New York on 1st March, 1766. The names there given for New York City were John Lamb, Isaac Sears, William Wiley, Edward Laight, Thomas Robinson, Flores Bancker, Charles Nicoll, Joseph Allicocke, and Gershom Mott.

Place will adopt so extravagant a measure. And People with whom I converse assure me, that they think it cannot be brought about by the most zealous advocates of Opposition.—As yet no Resolutions have been taken by the People of this Colony, and the cool prudent men will endeavour to keep Measures in suspense till they have an opportunity of adopting the best.—I am told that they have proposed that the Colonies be invited to send Deputies to meet together, in order to Petition the King for Redress of Grievances, and to deliberate upon some Plan whereby the Jealousies between Great Britain & her Colonies may be removed.

It is allowed by the intelligent among them, that these Assemblies of the People, without Authority of Government, are illegal and may be dangerous; but they deny that they are unconstitutional when a national grievance cannot otherwise be removed.

What Resolutions will be taken I cannot as yet say.—The Government of this Province has no coercive Power over these Assemblies of the People, but the authority of the Magistrates in all other cases, is submitted to as usual.

James Rivington, the printer and publisher of New York, wrote a letter, in June, 1774, to Henry Knox, a bookseller in Boston, afterwards General Knox of the American army, and Secretary of War from 1785 to 1794, in which he says: "You may rest assured that no non-im-, nor non-ex-plantation, will be agreed upon either here or at Philadelphia. The power over our crowd, is no longer in the hands of *Sears, Lamb, and such unimportant persons, who have for six years past, been the demagogues of a very turbulent faction in this city;* but their power and mischievous capacity expired instantly upon the election of the Committee of Fifty-one, in which there is a majority of inflexibly honest, loyal, and prudent citizens."—*MS. Letter of Thomas Young, in Lamb Papers, in N. Y. Hist. Soc.*

## NOTE XIV.

PROCEEDINGS OF THE COMMITTEE OF CORRESPONDENCE  
OF "FIFTY-ONE," AND APPOINTMENT OF DELEGATES  
TO THE CONGRESS OF 1774.*Volume II., page 35.*

THE Committee of Fifty-one met on the evening of the 27th of June at the Exchange, to consider the "most eligible mode of appointing Deputies to attend the ensuing general Congress." The subject was discussed, and postponed, first to the 29th June, and then to July 4th. At the meeting on the 29th of June, a motion of McDougall, "That this Committee proceed immediately to nominate five Deputies for the City and County of New York," "and that their names be sent to the Committee of Mechanics for concurrence; to be proposed on Tuesday" next to the freeholders and freemen of this City and County for their approbation" was postponed to Monday, July 4th.

At the meeting on the evening of July 4th, after some routine business, the following extract from the record shews what was done, and how the five gentlemen named in the text were nominated:

*<sup>1</sup>New York July 4, 1774*

The Committee met by adjournment at the Exchange at 6 o'clock this evening: Present *Isaac Low* Chairman, (and thirtyseven other Members).

After the reception of five letters

"Mr. Bache moved and was seconded by Mr. DeLancey: "

"That this Committee proceed to nominate five persons to meet in a General Congress, at the time and place, which shall be agreed on by the other colonies and that the freeholders and freemen of the City and County of *New York* be summoned to appear at a convenient place to approve or disapprove of such persons for this salutary purpose; also that this Committee write Circular Letters to the Supervisors of the several Counties informing them what we have

<sup>1</sup> July 6th.

<sup>2</sup> Broadside vol. i. N. Y. Hist. Soc.

<sup>3</sup> John De Lancey, second son of Peter De Lancey, and grandson of Gov. Colden.



done, and to request them to send such Delegates as they may choose to represent them in Congress."

Captain Sears moved, and was seconded by Mr. P. V. B. Livingston :

"That Messrs Isaac Low James Duane Philip Livingston, John Morin Scott, and Alexander McDougall, be nominated agreeable to the question now carried."

The previous question being on Captain Sears's motion, it was carried as follows : (*here follow the names, being 25 "Affirmatives" and 12 "Dissentients."*)

Mr. *De Lancey* moved and was seconded by Mr. *Booth* :

That this Committee immediately proceed to nominate five persons to be held up to this City and County as proper persons to serve them as Delegates in a General Congress.

When the following gentlemen had the greatest number of voices for their nomination, viz *Philip Livingston, John Alsop, Isaac Low, James Duane, and John Jay.*

*Ordered*, That an advertisement, signed by the Chairman, be published requesting the inhabitants of this city and County to meet at the City Hall, on Thursday the 7th instant at 12 o'clock to concur in the nomination of the foregoing five persons, or to choose such others in their stead as in their wisdom shall seem meet.

The Committee then adjourned until 6 o'clock on *Thursday* evening, the 7th instant, then to meet at the Exchange.

#### ADVERTISEMENT.<sup>1</sup>

The Committee of Correspondence in New York, having on Monday Night last proceeded to the Nomination of five Persons to go as Delegates for the said City and County, on the proposed General Congress at Philadelphia, on the 1st of September next ; the five following Persons were nominated for that Purpose,

Philip Livingston,  
James Duane,  
John Alsop,  
John Jay,  
Isaac Low.

The Inhabitants, therefore, of this City and County, are requested to meet at the City Hall, on THURSDAY<sup>2</sup> next, at 12 o'Clock, in order to approve of the said five Persons as Delegates, or to choose such other in their Stead, as to their Wisdom shall seem meet.

By Order of the Committee,

ISAAC LOW, CHAIRMAN.

Tuesday 5th  
July, 1774.

<sup>1</sup> Broad sides vol. i. N. Y. Hist. Soc.

<sup>2</sup> July 7th.

Immediately, and on the same day, the fifth, the following anonymous handbill appeared, calling a meeting "in the Fields," (the present Park) for *the evening of the sixth, the day before* that appointed for passing on the above nominees by the Committee of Fifty-one :

ADVERTISEMENT.<sup>1</sup>

The Enemies of the Liberty of America, being unwearied in misrepresenting the Attachment of the Inhabitants of this City, to the common Cause of this Country, to the neighbouring Colonies, a Number of the Citizens think it highly necessary to convene<sup>2</sup> the good People of this Metropolis in the Fields on Wednesday next, which will be the 6th Instant, at Six o'Clock in the Evening; where every Friend to the true Interest of this distressed Country, is earnestly requested to attend—when Matters of the utmost Importance to their Reputation and Security, as Freemen, will be communicated.

TUESDAY, July 5th, 1774.

This call resulted in a meeting on the 6th, "in the Fields," at which McDougall presided, and several speeches were made, one of the speakers, it is said, being Alexander Hamilton, then a college boy of seventeen. Nine resolutions were passed sympathizing with, and promising aid to, Boston, and (which were the important ones) *insisting* on a non-importation from, and a non-exportation to, Great Britain, from all the Colonies, and *instructing* the delegates who shall represent New York to engage in an agreement to that effect.<sup>3</sup>

The next day, the 7th, the Committee of Fifty-one met, and took the action, of which the following is the record, disavowing the meeting in the Fields and its resolutions :

NEW YORK, COMMITTEE-CHAMBER, JULY 7th, 1774.

*The following Motion was made by Mr. THURMAN, and seconded by Mr. MCEVERS.*

Mr. CHAIRMAN,

An Advertisement appeared Yesterday in the following Words, viz.

"The Enemies of the Liberty of America, being unwearied in misrepresenting the Attachment of the Inhabitants of this City, to the

<sup>1</sup> *Broadsides* vol. i. N. Y. Hist. Soc.

<sup>2</sup> *Sic* in original.

<sup>3</sup> Rivington's Gazetteer of 14th July, 1774.

common Cause of this Country, to the neighbouring Colonies, a Number of the Citizens think it highly necessary to convene the good People of this Metropolis in the Fields, on Wednesday next, which will be the 6th Instant, at 6 o'Clock in the Evening, where every Friend to the true Interest of this distressed Country, is earnestly requested to attend;—when Matters of the utmost Importance to their Reputation and Security, as Freemen, will be communicated.

TUESDAY, 5th July, 1774."

The above Advertisement is conceived in such mystic and ambiguous Terms, that no Person out of the Secret could imagine from whence it could proceed; much surprized therefore was I to learn that a Member of this Committee<sup>1</sup> acted as Chairman to the Promoters of the said Advertisement.

I conceive Mr. Chairman that no Individual whatever, especially a Member of this Committee, had a right to call a Meeting of this City by an anonymous Advertisement, much less to Exhibit a Set of Resolves calculated for particular Purposes; no Motion having ever been made for Resolves in this Committee; and that no Resolves whatsoever should have been entered into, until well digested by this Committee, and held up to the Public for their Consideration:

I therefore move that this Committee disavow all such Proceedings, evidently calculated to throw an Odium on this Committee, and to create groundless Jealousies and Suspicions of their Conduct, as well as Disunion among our Fellow Citizens.

Mr. McDougall moved and was seconded by Mr. Lispenard, that the previous Question be put on Mr. John Thurman's Motion disavowing of the Proceedings in the Fields on the 6th Instant. Carried in the negative.

#### AFFIRMATIVES.

Mr. Lewis,  
Mr. P. V. B. Livingston,  
Mr. Lispenard,  
Capt. Sears,  
Capt. Randall,  
Mr. Curtenius,  
Mr. McDougall,  
Mr. Lott,  
Mr. Hallet,  
Mr. Bull,  
Mr. Remsen.

#### NEGATIVES.

Mr. Alsop,	Mr. Laight,
Mr. McEvers,	Mr. Walton,
Mr. Beckman,	Mr. Shaw,
Mr. Sharpe,	Mr. Goelet,
Mr. Young,	Mr. Moore,
Mr. Booth,	Mr. Hoffinan,
Mr. Wallace,	Mr. Sherbrook,
Mr. Thurman,	Mr. Bayard,
Mr. Nicoll,	Mr. Ludlow.
Mr. Bache,	

Mr. Thurman's Motion being then put, it was carried in the Affirmative.

<sup>1</sup> Alexander McDougall.

## AFFIRMATIVES.

Mr. Alsop,	Mr. Walton,
Mr. McEvers,	Mr. Shaw,
Mr. Beckman,	Mr. Goelet,
Mr. Sharpe,	Mr. Moore,
Mr. Young,	Mr. Hoffman,
Mr. Booth,	Mr. Sherbrook,
Mr. Wallace,	Mr. Bayard,
Mr. Thurman,	Mr. Ludlow,
Mr. Nicoll,	Mr. Bull,
Mr. Bache,	Mr. Remsen.
Mr. Laight,	

## NEGATIVES.

Mr. Lewis,
Mr. P. V. B. Livingston,
Mr. Lispenard,
Capt. Sears,
Capt. Randall,
Mr. Curtenius,
Mr. McDougall,
Mr. Lott,
Mr. Hallet.

Resolved therefore, that such Proceedings are evidently calculated to throw an Odium on this Committee, and to cause groundless jealousies and suspicions of their Conduct, as well as Disunion among our fellow Citizens.

Mr. Lewis moved, and was seconded by Mr. Curtenius, that a Committee be appointed to draw and report, without delay, a Set of Resolutions, to be proposed to the City, expressing their Sense of the Boston Port-Act, and our Concurrence with such of the neighbouring Colonies as have declared what may be proper to be done for the Relief of the Town of Boston, and the Redress of American Grievances.

Ordered, unanimously that the seven following Persons be a Committee for that Purpose, viz. : Mr. Low, Mr. Lewis, Mr. Moore, Capt. Sears, Mr. Remsen, Mr. Shaw, Mr. McDougall.

Mr. McEvers moved, and was seconded by Mr. Booth, that Mr. Thurman's Motion of this Evening, with the Resolves thereon, be immediately printed at large, which was carried as follows :

## AFFIRMATIVES.

Mr. McEvers,
Mr. Beckman,
Mr. Sherbrook,
Mr. Alsop,
Mr. Shaw,
Mr. Goelet,
Mr. Moore.
Mr. Walton,
Mr. Laight,
Mr. Bache,
Mr. Nicoll,
Mr. Thurman,
Mr. Booth.

## NEGATIVES.

Mr. Curtenius,
Mr. McDougall,
Mr. Randall,
Mr. Lott,
Mr. Hallet,
Mr. Bull,
Mr. Lispenard,
Mr. P. V. B. Livingston,
Capt. Sears.

I have compared the above Proceedings of the Committee with the Originals, and find them to be truly copied.

Isaac Low, Chairman.<sup>1</sup>

<sup>1</sup> Broadside vol. i. N. Y. Hist. Soc.

On the night previous, July 6th, the following call, to vote an opposition ticket to that of the Committee of Fifty-one, was posted by a "Committee of Mechanics," as they style themselves.

## ADVERTISEMENT.

At a general Meeting of the Committee of MECHANICKS, at the House of EDWARD BARDIN, yesterday Evening,<sup>1</sup> the Nomination of the COMMITTEE of MERCHANTS, of Delegates to serve at the General Congress, was taken into Consideration, and the Names of the Persons respectively read for their Concurrence ; when a Negative was put upon Mess. Duane and Alsop, and Mr. Leonard Lispenard and Mr. Alexander McDougall were nominated in their Stead : And as the Committee of Merchants did refuse the Mechanicks a Representation in their Body, or to consult with their Committee, or offer the Names of the Persons nominated to them for their Concurrence, the Mechanicks of this City and County, and every other Friend to the Liberties of his Country, are most earnestly requested to attend at the General Meeting, at the City Hall, to-morrow, (being Thursday) at 12 o'Clock, agreeable to the Time proposed by the Committee of Merchants, to give their Voices for the five following Persons, or to choose such others as they may think proper.

Isaac Low,  
Philip Livingston,  
John Jay,  
Leonard Lispenard,  
Alex. McDougall.<sup>2</sup>

Wednesday, July 6, 1774.

On the 8th of July, *eleven members* of the Committee of Fifty-one issued the following "address," withdrawing their names "out of the List of the Committee," as they express it.

TO THE INHABITANTS OF THE CITY AND COUNTY OF NEW YORK.

Gentlemen,

The Trust you were pleased to repose in us, in appointing us Members of the Committee of Correspondence, renders it necessary to inform you of the above Proceedings, as well as to justify our Conduct upon the Points on which we divided. We voted against Mr.

<sup>1</sup> July 5th.

<sup>2</sup> Broad sides vol. i. N. Y. Hist. Soc.

Thurman's Motion, because the People have an undoubted Right to convene themselves, and come into whatever Resolutions they shall think proper, if they be not contrary to law. And although the Manner of calling them might not be deemed so regular as might be wished, though practiced heretofore in the Debates on the Stamp-Act,—yet, considering that a respectable Number of our Fellow Citizens did meet, and did no Acts but what were conformable to the general Spirit of all the Colonies in this alarming State of our Public Affairs, we therefore conceived that our disavowing their Conduct would naturally tend to hold up the Idea of a Division, if not a Disapprobation of the Resolutions. And as the Resolutions do not so much as insinuate that they came from the Committee, no Charge could lie against them for any Matter contained in them. For these Reasons also we voted against Mr. McEvers's Motion to publish the Proceedings, and because he declared, before the Question was put, that these Proceedings should be published, in Order that they might be sent Home by the Packet. This Declaration, from a Member of the Committee, has, in our Opinion, such a Tendency to hold up a Disunion amongst us, which must impede the Public Business, and retard a Redress of our Grievances, especially as the Gentlemen who voted for his Motion heard the Reasons offered against their being published, that we conceive we cannot, with such a Majority, answer the End of our Appointment: And therefore, in Justice to ourselves, and from a Regard to the Public Interest, we desired that our Names may be erased out of the List of the Committee. And we are humbly of Opinion that the Temper manifested by the Majority for publishing Mr. McEvers's Motion is destructive to, and subversive of, the End for which the Committee of Correspondence was appointed; all which is nevertheless, humbly submitted to you.

July 8th, 1774.

Francis Lewis,  
Joseph Hallet,  
Alexander McDougall,  
P. V. B. Livingston,  
Isaac Sears,  
Thomas Randall,  
Abraham P. Lott,  
Leonard Lispenard.

We whose Names are hereunto subscribed, though not present at the Debates, do likewise request our Names may be struck out of the List of the Committee.

John Broome,  
Abraham Brasher,  
Jacobus Van Zandt.

N.B. It may be proper to inform the Reader that printing the Proceedings of the Committee has been agitated several Times, and

judged inexpedient ; because every Citizen, by the Rules of the Board, may have access to them, in the Presence of one of the Members. That Mr. McEvers's Motion was made after the Committee adjourned to Monday next, and some of the members were gone, and one going down Stairs.<sup>1</sup>

On the 9th of July McDougall issued the following placard, explaining the method of voting, and withdrawing his name as a candidate for "Deputy" to Philadelphia.

To the Freeholders, Freemen, and Inhabitants of the City and County of New York.

Gentlemen :

The favourable sentiments many of you were pleased to entertain of me, in nominating me one of your deputies for this City and County, lay me under great obligations ; and you may rest assured, my future conduct will evince the grateful sense I have of this mark of your esteem. But, when I consider the manner in which the Committee of Correspondence have determined to carry the Resolutions at the City-Hall into execution, I conceive your votes cannot be properly taken, and consequently the sense of the inhabitants will not be known. They have determined, that the papers containing the names of the Five Persons nominated by the Committee of Correspondence, and the Five nominated by the Committee of Mechanics, shall be presented to the voters, and that they must vote for one or the other of the Five on each of the papers, or not be allowed to vote at all. This deprives the people of voting for any Five of the Seven nominated, and is, in my opinion, an infringement of their Liberty.

The spirit of the determination at the Hall, I conceive, was to confine the Electors to vote for Five of the Seven nominated. Agreeable to this, and friendly to Freedom, was the manner proposed by the Committee of Mechanics, in their letter to the Committee of Correspondence that seven columns should be ruled, one for each of the persons nominated and that the Elector's name should be put down, and the persons, in the respective columns, for whom they should vote. As this is not adopted, and the other is unfriendly to liberty, I cannot in justice to that cause, pursue it in a manner that saps its very foundation ; for, if a pole<sup>2</sup> is necessary, it must be to obtain the general sense of the people ; and the mode now to be pursued will not do that, as many of them will not vote for any of the nomination, unless they can vote for those they choose. For these reasons, and to end a contest which at present may be injurious to

<sup>1</sup> Broadside vol. i. N. Y. Hist. Soc.

<sup>2</sup> Sic in original.

us, I cannot think of putting you to the trouble of an uncertain pole, without answering any valuable end; and therefore I decline the nomination of a Deputy. But whenever you may judge my poor abilities can promote the weal of my country, I shall always be ready to serve you to the utmost of my power.

I am Gentlemen,

Your grateful and much obliged  
humble servant

Alexr. McDougall.<sup>1</sup>

New York,  
July 9. 1774.

On the 13th of July, the Committee of Fifty-one adopted resolutions, expressing their views, and the proper course to be adopted, of which the following is the record, and called a meeting at the Coffee House for the 19th of July, to pass upon them.

#### PROCEEDINGS OF THE COMMITTEE OF CORRESPONDENCE IN NEW YORK.

*Committee-Chamber, July 13, 1774.*

##### Present.

Mr. Goelet,	Mr. Nicoll,	Mr. Wallace,
Mr. Jay,	Mr. G. H. Ludlow,	Mr. Sharpe,
Mr. W. Bayard,	Mr. W. Walton,	Mr. G. W. Beekman,
Mr. Curtenius,	Mr. Ham. Young,	Mr. John De Lancey,
Mr. Remsen,	Mr. R. Yates,	Mr. Hoffman,
Mr. Booth,	Mr. Duyckinck,	Mr. Sherbrook,
Mr. Laight,	Mr. Shaw,	Mr. McAdam,
Mr. Thurman,	Mr. Moore,	Mr. Alsop,
Mr. Bache,	Mr. Bull,	Mr. McEvers,
	ISAAC LOW, Chairman.	

The Persons appointed at the last Meeting of this Committee, to draw up a Set of Resolves, met for that Purpose, but Doubts arising, Whether those Gentlemen who had refused further Attendance on this Committee, could consistently enter upon that Business, it was agreed to submit the same to the Consideration of the whole Committee, at their next Meeting; but none of those Gentlemen appearing, though regularly served with Notices, Mr. Bache moved, and was seconded by Mr. Nicoll, That another Committee be appointed to

<sup>1</sup> Broadides vol. i. N. Y. Hist. Soc.



draw up Resolves for the Consideration of this Committee, which being unanimously agreed to,

ORDERED,

That, the following seven Persons be a Committee for that Purpose, viz. Mr. Low, Mr. Jay, Mr. Thurman, Mr. Curtenius, Mr. Moofe, Mr. Shaw, Mr. Bache, and that they proceed immediately on the aforesaid business.

Mr. Curtenius reported a series of resolves, which were read and unanimously agreed to, and it was then

ORDERED,

That the same be forthwith printed, and distributed in Hand-bills, for the Consideration of the Public, *who are requested to attend* at the COFFEE HOUSE on TUESDAY next,<sup>1</sup> at Twelve o'Clock in the Morning, to signify their sense of the said Resolves.

Mr. Laight moved, and was seconded by Mr. McEvers, that the five Gentlemen nominated by this Committee, as Delegates to attend the General Congress, viz., Mr. Duane, Mr. Philip Livingston, Mr. John Alsop, Mr. Isaac Low, and Mr. John Jay, be proposed to the Citizens for their Approbation, at the same Time and Place, which being also unanimously agreed to,

ORDERED,

That printed Notices thereof be immediately dispersed.

*By Order of the Committee,*

ISAAC LOW, Chairman.<sup>2</sup>

The resolutions above referred to, slightly amended, and adopted by the Committee, and the proceedings of the meeting on the 19th of July, are as follows :

Committee-Chamber, July 19, 1774.

#### PROCEEDINGS OF THE COMMITTEE OF CORRESPONDENCE.

The Resolves proposed by this Board to the Inhabitants of this City, having been published and dispersed through the Town several Days previous to *this* Meeting, and every person thereby furnished with an Opportunity of considering them with due Deliberation : And as only a small Proportion of the Citizens attending the Meeting

<sup>1</sup> July 19th.

<sup>2</sup> Broad-sides vol. i., in N. Y. Hist. Soc. Library.

at the Coffee-House, to signify their Sense of the same, and the Sentiments of the Majority still remaining uncertain ; therefore, to remove all Doubts and Uneasiness on that Head, it is ordered that certain Amendments be made to the said Resolves, and that two or more Persons be appointed in each Ward to take the Sense of the Freeholders, Freemen, and such others who *pay Taxes*, respecting the said Resolutions so amended ; as also of the Delegates nominated by this Committee to attend the Congress.—But in the mean Time, altho' the said Resolves cannot with Certainty be said to correspond with the Sentiments of the major Part of the Citizens, tho' in all Probability they do, yet, as they contain *our* Sentiments, it is further ordered, that they be immediately published as such ; leaving those who may dissent from us, to declare their Opinions in such other Phrases or Modes of Expression, as they shall think proper.

FIRST. RESOLVED, That his most sacred Majesty GEORGE the Third, King of Great Britain, is our liege, lawful and rightful Sovereign, and that it is our indispensable Duty to the utmost of our Power, by all constitutional Means to maintain and support his Crown and Dignity. That it is our greatest Happiness and Glory to have been born British Subjects ; and, that we wish nothing more ardently than to live and die as such. That we are one people, connected by the strongest Ties of Affection, Duty, and Interest, and that we lament as the greatest Misfortune, every Occurrence which has the least Tendency to alienate or disturb that mutual Harmony and Confidence, which, if properly cultivated could not fail rendering the British Empire the Admiration and Envy of all the World. That we therefore view with inexpressible Concern and Grief, some late Acts of the British Parliament, claiming Rights and exercising Powers which we humbly conceive are replete with Destruction, and may be attended with the most fatal Consequences to the Colonies and their parent State.

SECOND. RESOLVED, That all Acts of the British Parliament, imposing Taxes on the Colonies, are unjust and unconstitutional, and particularly that the Act for blocking up the Port of Boston is, in the highest Degree arbitrary in its Principles, oppressive in its Operation, unparalleled in its Rigour, indefinite in its Exactions, and subversive of every Idea of British Liberty ; and therefore justly to be abhorred and detested by all good Men.

THIRD. RESOLVED, That the Destruction of the Tea at Boston was not the only Motive for bringing such unexampled Distress on that People, because the alternative of suffering it, or paying for the Tea had otherwise been left in their Option ; but we truly lament that the enforcing the Right of Taxation over the Colonies seems to have been the main Design of the said Act of Parliament.

FOURTH. RESOLVED, That Vengeance separately directed, has a more dangerous Tendency, and is more destructive of the Liberties of America, than conjunctively ; and that therefore it is the indispensable Duty of all the Colonies, according to their different Circumstances, to afford every reasonable Assistance to a Sister Colony

in Distress ; especially when that Distress is evidently calculated to intimidate others from contributing what may be in their Power, to procure the desired Relief.

FIFTH. RESOLVED, That the proposed Congress of Delegates from the different Colonies, to consult on the Mode of procuring Relief from our Difficulties, is the most prudent measure that could have been devised at this Alarming Crisis.

SIXTH. RESOLVED, That as the Wisdom of the Colonies will, in all Probability, be collected at the proposed Congress, it would be premature in any Colony to anticipate their Conduct, by resolving what ought to be done ; but that it should be left to their joint Councils to determine on the Mode which shall appear most salutary and effectual to answer the good Purposes for which they are convened.

SEVENTH. RESOLVED, That nothing less than dire Necessity can justify, or ought to induce the Colonies to unite in any Measure that might materially injure our Brethren the Manufacturers, Traders, and Merchants in Great-Britain : But that the Preservation of our inestimable Rights and Liberties, as enjoyed and exercised, and handed down to us by our Ancestors, ought to supercede all other Considerations ; and that therefore we doubt not the cool, dispassionate People of England, whose Friendship on former Occasions we have experienced, will, on mature Consideration, not only Applaud our Motives, but co-operate with us in all constitutional Measures, for carrying these virtuous Resolutions into execution, in order to obtain the desired and just Redress of our Grievances.

EIGHTH. RESOLVED, That if a Non-Importation Agreement of Goods from Great Britain should be adopted by the Congress, it ought to be *very general* and *faithfully* adhered to ; and that a Non-Importation *partially* observed, like the *last*, would answer no good Purpose ; but on the contrary, only serve to *expose* all the Colonies to further Injuries.

NINTH. RESOLVED, therefore, That the Delegates to the Congress, ought to be so chosen, or instructed, that they may "*be able not only to speak the Sentiments, but to pledge themselves for the good Conduct of the People of the Colonies, they respectively represent.*"

TENTH. RESOLVED, That the Tribute of our most grateful Thanks, is justly due to all the Friends of the Colonies in Great-Britain, who are opposed to the severe Measures now exerting against them ; and particularly to those illustrious Patriots who so ably distinguished themselves in both Houses of Parliament, in opposing Laws, which, at the same Time that they subvert the Liberties of America, have a manifest Tendency to injure those of the Mother Country, and may eventually entirely overthrow their ONCE excellent Constitution,

The following Motion was made by Mr. Jay, and seconded by Mr. Laight,—That a Committee be appointed to take the Distresses of the Poor of the Town of Boston, and Ways and Means for their Relief, into Consideration ; and make their Report with all conve-

nient Speed.—Ordered, That Mr. Alsop, Mr. Jay, Mr. Curtenius, Mr. Laight, Mr. Duyckinck, and Mr. De Lancey, be a Committee for that Purpose.

By Order of the Committee,  
Isaac Low, Chairman.<sup>1</sup>

The next day, the 20th, the two following notices were issued as placards by the gentlemen who sign them.

#### TO THE RESPECTABLE PUBLICK.

Certain Resolves having been proposed by the Committee of Correspondence, to a Number of Citizens assembled at the Coffee-House Yesterday, and rejected; and instead of desiring that Amendments or Additions might be made, or a new Set drawn up by the said Committee, more agreeable to their Sentiments, they proceeded to nominate a new Committee for the purpose, and appointed us the Subscribers on it; and being summoned this Morning to attend their Meeting, thought it incumbent on us to return the following Answer.

Gentlemen,

We have received your Notice to attend the Committee appointed Yesterday to draw up Resolves for this City. When we consider that the Appointment of this Committee was proposed and carried without any previous Notice of such Design having been given to the Inhabitants, and made no Part of the Business for which they were requested to assemble, we think our Election too irregular to assume any Authority in Consequence of it to draw Resolves for the Town; especially as the Nomination of this Committee seems to cast an invidious Reflection on the Committee of Correspondence, and manifestly tends to divide the Citizens into Factions and Parties, at a Time when they should be distinguished by Concord and Unanimity.—Besides, we conceive our Attendance could answer no Purpose, nor afford you any Assistance: The Resolves read Yesterday, with a few Amendments, contain our Sentiments; as such they will be published, and (some seemingly exceptionable Parts being omitted) offered to the Consideration of the Public.

We are,

Gentlemen,

Your most obedient Servants

Isaac Low,  
Henry Remsen,  
John Moore,  
John Jay.

New York, July 20, 1774.

To the Gentlemen of the Committee  
at Mr. Doran's.<sup>2</sup>

<sup>1</sup> Broad-sides vol. i. N. Y. Hist. Soc.

<sup>2</sup> Broad-sides vol. i. N. Y. Hist. Soc.

## TO THE RESPECTABLE PUBLIC.

We conceive the sense of our fellow citizens relative to the delegates to represent them at the proposed congress (notwithstanding the proceeding of yesterday at the Coffee House) remains so uncertain, that until the sentiments of the town are ascertained with greater precision, we can by no means consider ourselves, or any others nominated as delegates, duly chosen or authorized, to act in so honorable and important a station.

John Alsop,  
Isaac Low,  
John Jay.<sup>1</sup>

New York, July 20, 1774.

The next action of the Committee was on July 25th, and is as follows :

Committee-Chamber, New York July 25, 1774.

Proceedings of the Committee of Correspondence.—

Mr. Henry Remsen, seconded by Mr. Abraham Duryee, made a motion in the words following :

Mr. Chairman,

I move that a Poll be opened at the usual places of election in each ward in this city on Thursday the 28th instant at 9 o'clock in the morning to elect five Deputies for the city and county of New York to meet in Congress at Philadelphia on the 1st September next, and in order that the same may be conducted in the most unexceptionable manner, I further move, that this Committee request the favor of the Aldermen, Common Council, and Vestry<sup>2</sup> in each ward, to superintend the same ; and that the Committee of Mechanics be also requested to appoint two persons in each ward to attend with two of this Committee for the same purpose that not only the freeholders and freemen, but all persons who pay taxes, be deemed qualified to vote.

Which being unanimously agreed to,

Ordered,

That the same be forthwith carried into execution, and public notice thereof immediately given by printed handbills.

<sup>1</sup> Broad-sides vol. i. N. Y. Hist. Soc.

<sup>2</sup> The Civil Vestry under the Act of 1693, see Note II. *ante*.

The next day, the 26th, the Committee met and took notice of an error of the printer in Gaine's account of the action at the meeting of the 19th, and to correct it ordered the following proceedings published, which are taken from Holt's Journal of Aug. 4th, 1774.

New York—26th July, 1774.

"Gentlemen

As you are upon the nomination of Delegates to represent the city and county of New York at the proposed Congress; in order to avoid the inconveniences that may arise from a contested election, we are requested as a Committee from a number of Citizens to ask you whether on your part you will engage to use your utmost endeavours at the proposed Congress, that an agreement not to import goods from Great Britain, until the American grievances be redressed, be entered into by the Colonies, there to be represented. If you will so engage, the body by whom we are nominated will support you, if not, that body have a set of Candidates who will comply with the proposed engagement.

Presented by Messrs.  
Abraham Brasher  
Theophilus Anthony  
Francis Van Dyck  
Jeremiah Platt  
Christopher Duyckinck "

" New York July 26. 1774.

"Gentlemen,

Should we become your Delegates we beg leave to assure you that we will use our utmost endeavours to carry every measure into execution at the proposed Congress, that may then be thought conducive to the general interest of the Colonies; and at present are of opinion that a general non-importation agreement *faithfully observed* would prove the most efficacious means to procure a redress of our grievances. Permit us to add that we are led to make this declaration of our sentiments because we think it right and not as an inducement to be favoured with your votes—nor have we the least objection to your electing any Gentlemen as your Delegates in whom you think you can repose greater confidence than in, Gentlemen,

Your humble Servants  
Philip Livingston  
John Alsop  
Isaac Low  
John Jay."

Received the following in Answer to the above.

“At a meeting of a number of citizens convened at the house of Mr. Mariner, it is unanimously agreed, that they acquiesce in the nomination of the following gentlemen as delegates to represent the city and county of New York, at the ensuing Congress, to be held at Philadelphia the 1st of September next.

New York, 27th }  
July 1774 }

Messrs. Philip Livingston  
John Alsop  
Isaac Low  
James Duane  
John Jay

Presented by Messrs.  
Abraham Brasher  
Theophilus Anthony  
Jeremiah Platt  
Francis Van Dyck  
Christopher Duyckinck ”

The Gentlemen of this Committee appointed to attend the Poll held in the different wards of this City for the election of five delegates to represent this city and county at the ensuing Congress, delivered the Poll lists taken at the said elections in each ward of this city, subscribed by the magistrates and others under whose Superintendence the same was held ; which said several Poll lists being read and examined, it appears that John Philip Livingston, Isaac Low, John Alsop, James Duane, and John Jay, the persons nominated by this Committee, were unanimously elected Delegates for the aforesaid purpose.

The Committee appointed to take the distresses of the poor of the town of Boston and ways and means for their relief into consideration, report, That they have entered upon that enquiry, and will make a full report upon the matters submitted to them at the next meeting of this Committee.

By order of the Committee

Isaac Low,  
Chairman.

In this manner, as shown by these official records, was the body created which first proposed the Congress of 1774, and the “deputies” or delegates from New York, nominated, and chosen to that Congress.

The originals of the foregoing documents are preserved in the Library of the New York Historical Society, from which, and the Colonial Newspapers in the same Library, Mr. Peter Force printed most of them in the first volume of his American Archives, a United States Government work not accessible to the general reader. As they have

never been printed elsewhere, they are given in this note at the risk of its being thought prolix.<sup>1</sup>

This pasquinade, which appeared just after the election of the delegates, as above stated, though a little coarse, illustrates the state of the parties to the controversy. It is from the original "broadside" in the Library of the N. Y. Historical Society.<sup>2</sup>

At a meeting of the TRUE Sons of Liberty, in the City of New York, July 27. 1774, properly convened ;

Present

John Calvin, John Knox, Roger Rumpus, &c &c &c.

1. Resolved, That in this general Time of resolving, we have as good a right to resolve as the most resolute.
2. Resolved, That we have the whole Sense of the City, County, Province, and all the Colonies, concentrated in our own Persons.
3. Resolved, *Therefore*, that a general Congress (saving *Appearances*) would be unnecessary and useless.
4. Resolved, That the Distresses of our Brethren—in—the—Lord, of Boston, are unprecedented, illegal, [and diab]olical ; the People of *Massachusetts Bay* being thereby required to make Reparation for Damages [and tres]passes by them done and committed, *only* in Support of their own *proper* and *avowed* Purposes to [establish] one GRAND REPUBLIC throughout this ill-governed CONTINENT ; of which, and for the sole [use] and Benefit of the whole, the MASSACHUSITES *only* propose themselves as the Heads and Directors ; in [order that] the said Continent, for the future, may be more justly and equitably ruled, directed, and *protected*.
5. Resolved, *Therefore*, that we will concur with them in *every* Measure for effectuating the [said] salutary Purpose ; being convinced, as were *their* and *our* Forefathers, that this is the only [way] whereby an effectual Stop may be put to the alarming Growth of PRELACY, QUAKERISM, and LIBERTY OF CONSCIENCE ; to all of which, by the most obliging Methods of prosecuting, persecuting, [and] hanging, or drowning, both *they* and *we* have ever been sworn Enemies ; and so will continue, *till the End of Time*—be it ever so endless.

<sup>1</sup> In 1810, John Blagge, the Secretary of the Committee of Fifty-one, gave to the N. Y. Historical Society the original MS. minutes of that Committee, a foolscap document of fifty-four pages, perfect except four pages of resolutions, which appear in the newspapers. As the "broadside" which were issued at the time affected the action then taken, they are reprinted here. They agree with the MSS.

<sup>2</sup> The words in square brackets in this copy are nearly illegible, and in some cases effaced, in the original.



6. Resolved, That the *fittest* Persons to carry on this great, good, necessary and *godly* Work, are [those whom] the Freeholders, in their respective Counties and Colonies, have elected to be their Representatives [They are] *supposed* to be Men of Conscience and Understanding—but such only as OURSELVES; who have [no claim] to Speculation and Refinement; but simply fitted, by our Lives and Conversation, for *right*[ful do]ings; which are the only Doings, in these distressful Times, that ought to go right forward.
7. Resolved, with our Brethren of this City, that these Resolves, and any we may *afterwards* see [fit] to promulgate, *shall* be approved by all *sensible* and *good* Men in our Parent Country; and that [they shall] even make that ungracious Varlet LORD NORTH *shake in his Shoes*, (when he *sees* them) and [split] his Breeches.
8. Resolved, with our Brethren of South-Carolina, that we will pay the Expence of *printing* these [resolves].
9. Resolved, According to the *third* Resolve of our Brethren of *New Brunswick* that any Act or [Acts] of Parliament which prevent the Colonies from triumphing over the Liberties, sporting with the [goods] or at Will claiming the Properties of the Ministry, is a cruel Oppression in which all the Colonies [are] intimately concerned.
10. Resolved, with our Brethren of *Annapolis* that the Non-Payment of Debts contracted with [England] is the only Way to save the Credit of those, who have got no Money to pay their Debts *with*.
11. Resolved, That a *strict Adherence* to a Non-Importation and Non-Exportation Agreement, which was so easily effected, and so *faithfully observed*, in the Time of the *Stamp-Act*, is the only *certain* [way] of coming at the *naked* Truth; without which we shall never be able to unveil the covert, and close, [and wicked] Designs of the d——d Ministry, to ruin us.
12. Resolved, That because *Boston* is *undeservedly* chastised, all the other Colonies ought to be deservedly.
13. Resolved, That it is a *General* Mark of Patriotism, to eat the King's Bread, and abuse him for [it].
14. Resolved, That the best Way of approving our Loyalty, is to spit in the said King's face; as the means of *opening* his *Eyes*.
15. Resolved, lastly, That every Man, Woman, or Child, who doth not agree with our Sentiments, whether he, she, or they, understand them or not, is an Enemy to his Country, wheresoever he was born, and a Jacobite in Principle, whatever he may think of it; and that he ought at least to be tarred and feathered, if not hanged, drawn and quartered; all Statutes, Laws, and Ordinances whatsoever to the contrary notwithstanding.

By Order of the Meeting

Ebenezer Snuffle, Secretary.

The following statement of the characteristics of those who opposed the formation of the Committee of Fifty-one at the meeting of 16th May, 1774, written a fortnight after that meeting by a gentleman in New York (now unknown), appeared in the London Morning Post of July 26th, 1774, and was re-published in New York, in Holt's Journal of August 25th following, in a supplement, from which it is here reproduced.

"Extract of a letter to a Gentleman in London" written from New York 31 May 1774.

"It is true the Presbyterian junto, or self-constituted Committee of the *Sons of Liberty* for the city of New York (as they style themselves) which had stood ever since the time of the Stamp Act, had taken upon them to write letters to *Boston* to their brethren there, assuring them that the *City of New York* would "heartily join them against the cruel and arbitrary proceedings of the *British* Parliament," &c., which as soon as the gentlemen of property in this city knew, they were very justly alarmed, and a meeting of the inhabitants was desired at the Coffee House, when in spite of all that could be done by the old Committee, which consisted of eight or ten flaming patriots without property, or anything else but impudence, a new committee was chosen, consisting of fifty members, most of them men of sense coolness and property; and I understand that nearly the same thing was done at Philadelphia.

Mr. Peter van Schaack, a member of the Committee of Fifty-one, writing on the 21st of May, 1774, five days after its appointment, to Mr. Peter Silvester, well defines the feelings and sentiments then rife in New York :

"People in town are somewhat divided in sentiments as to what steps it will be most expedient to take. A non-importation agreement has been mentioned, and some have even gone so far as to propose entirely to stop our exports to the West Indies: these measures are chiefly espoused by the Mechanics.

The Merchants insist that we ought not precipitately to enter into either of these plans: that a non-importation will draw down the vengeance of Great Britain upon us, and that will probably bring about the shutting up of our own port. \* \* \* \* It has been proposed that British debts should not be paid, but, this, from the apparent injustice of it is dropped.

Some think there should be a Congress of deputies from all the Colonies to consider of some general plan of Measures.

Upon the whole, it has been thought advisable to appoint a committee of fifty persons to consult upon the present state of affairs, to correspond with the Neighboring colonies, &c."—*Life of P. van Schaack*, p. 16.

## NOTE XV.

THE ACTION OF NEW YORK AND THE CONGRESS OF 1774  
—HOW VIEWED BY THE GOVERNOR OF NEW YORK AND  
THE BRITISH MINISTRY—THE DINNER GIVEN TO THE  
CONGRESS AT THE STATE HOUSE IN PHILADELPHIA,  
AND THE TOASTS DRANK.

*Volume I., page 36.*

THE following striking and interesting Correspondence between Gov. Colden of New York and the Earl of Dartmouth—the Minister—taken from the official despatches in the eighth volume of the Colonial History of New York, shows how the Colonial and British authorities viewed affairs in New York in 1774 and the aims and results of the Congress at Philadelphia in that year.

*Lieutenant-Governor Colden to the Earl of Dartmouth.*

Col. Hist. N. Y., VIII., p. 469.

New York 6th July 1774.

My Lord,

In my letter of June the 1st I inform'd your Lordship that the People of this City had chosen a Committee of 51 Persons, to correspond with the Sister Colonies on the present political Affairs that many of this Committee were of the most considerable Merchants, and Men of Cool Tempers, who would endeavour to avoid all extravagant and dangerous Measures. They have had a continual struggle with those of a different Disposition: and having for several Weeks succeeded in suspending any Resolutions, I was in hopes they would have maintained the only Conduct which can excuse them. But accounts repeatedly coming to hand, from different Parts of the Continent, of the Appointment of Deputies to meet in general Congress, this Measure was so strenuously push'd that it was carried in the Committee of 51, on Monday last; and five Persons were named for the Deputies from this Province.—The Persons named are James Duane and John Jay, two eminent Lawyers, Isaac Low, Philip Livingston and John Alsop, Merchants.—I am told a violent Effort was made in the Committee to have John Scott, an eminent Lawyer, and Alex<sup>r</sup> McDougal, the Wilkes of New York, named, in place of Jay and Alsop.—It is said the People are to be invited to meet on Thursday to approve of the Deputies named by

the Committee.—These Transactions are dangerous, my Lord, and illegal ; but by what means shall Government prevent them? An Attempt by the Power of the Civil Magistrate, would only shew their weakness, and it is not easy to say upon what foundation a Military Aid should be called in.—Such a Measure would involve us in Troubles, which it is thought much more prudent to avoid ; and to shun all Extrems, while it is yet possible.—Things may take a favourable turn.—The Purpose of the Congress, it is said, is to Petition for a redress of Grievances, and to consider of a Plan for settling the Controversy with Great Britain. But no Instructions for the Deputies have yet appear'd that I know of.

The present Political zeal and frenzy is almost entirely confined to the City of New York. The People in the Counties are no ways disposed to become active, or to bear any Part in what is proposed by the Citizens. I am told all the Counties, but one, have declined an Invitation, sent to them from New York, to appoint Committees of Correspondence. This Province is every where, my Lord, except in the City of New York, perfectly quiet and in good Order : and in New York a much greater freedom of Speech prevails now, than has done heretofore. An Opposition has been declared to the vile Practice of exhibiting Effigies, which I hope will prevent it for the future.

I believe your Lordship will expect a particular Account of the state of the Province from Me, which I hope will be a sufficient Excuse for my troubling you with such minute Transactions. I am anxious to perform my Duty, and to merrit your Protection of being

My Lord

Your Lordship's most faithful  
and obedient Servant.

R<sup>t</sup> Hon<sup>ble</sup> Earl of Dartmouth.

Cadwallader Colden.

*Lieutenant-Governor Colden to the Earl of Dartmouth.*

Col. Hist., VIII., p. 485.

New York 2nd August 1774.

\* \* \* \* \*

In my letter No. 3. I submitted to your Lordship my Opinion, that Government here, cannot prevent the frequent Meetings of the People, which have become common everywhere ; and I am now convinced that if Government had interfer'd, the most violent men would have gained great Advantage, and would have prevented the acquiescence in the nomination of moderate Men, which has now taken place, to meet at the general Congress of Deputies from all the Colonies proposed to be held at Philadelphia next Month.

The Meeting of the Deligates, I am of opinion, cannot be prevented. If they pursue only such prudent measures as are calculated to remove the distructive Dissentions which subsist between Great Britain and her Colonies, the meetings tho' illegal, it may be

hoped, will produce some good. Great pains has been taken in the several Counties of this Province, to induce the People to enter into Resolves; and to send Committees to join the City Committee; but they have only prevailed in Suffolk County, in the East End of Long Island, which was settled from Connecticut, and the Inhabitants still retain a great similarity of manners and sentiments.

From a view of the numerous Resolves of the People in all the Colonies, which appear in every news Paper, your Lordship might be led to think a stupid, fatal hardiness intoxicated the whole. But there are every where many People who are seriously alarm'd at the critical Posture of the contention between Great Britain and her Colonies. They look forward with deepest anxiety, and would rejoice in any prudent Plan for restoring Harmony and Security.—Could it be thought consistent with the wisdom of Parliament to lay aside the right of raising money on the Subjects in America; and in lieu thereof, that the several American Assemblies, should grant and secure to the Crown, a sufficient and permanent supply to pay all the Officers and ordinary Expenses of Government; They are of Opinion this would be a ground work upon which a happy reconciliation might be effected.—The Dependence of the Colonies on Great Britain secured.—Government maintained and this Destructive Contest amicably terminated. For this purpose they hope an Address to his Majesty will be form'd at the general Congress.

I am with the greatest respect & submission

My Lord,

Your most obedient & faithful servant

R<sup>t</sup> Hon<sup>ble</sup> Earl of Dartmouth.

Cadwallader Colden.

*Earl of Dartmouth to Lieutenant-Governor Colden.*

Col. Hist., VIII., p. 487.

Whitehall 7th Sept 1774.

Sir,

I have received your letters of the 6th of July & 2d Aug No 3 & 4. and have laid them before the King.

You certainly are right in thinking that it is your Duty to transmit a particular Account of all public Occurrences in the Province under your Government, & you will not fail to embrace every opportunity that offers of writing to me.

The King has seen with concern that His Subjects in the different Colonies in North America have been induced upon the ground stated in their different Resolutions to nominate Deputies to meet in general Congress at Philadelphia.

If the object of this Congress be humbly to represent to the King any Grievances they may have to complain of, or any propositions they may have to make on the present state of America, such Representations would certainly have come from each Colony with

greater Weight in its separate Capacity, than in a channel, of the Propriety and Legality of which there may be much doubt.

I fear however the measure has gone too far to encourage any hope that it has been retracted, and I can only express my wish that the result of their proceedings may be such as may not cut off all hope of that union with the Mother Country, which is so essential to the happiness of both.

*Lieutenant-Governor Colden to the Earl of Dartmouth.*

Col. Hist., VIII., p. 488.

New York 7th September 1774.

\* \* \* \* \*

The Populace are now directed by Men of different Principles, and who have much at stake. Many papers have been published in this City, to expose the Measures which had been proposed by the former Demagogues, in opposition to Government.—Men now speak and publish Sentiments, in favour of Government, and argue upon the political subjects of the Times, with much greater freedom and security than has been known here for some years past, which I hope is a sign, that the licentious spirit which has govern'd the People to their great disgrace, is check'd.—We have no more burning of Effigies, or putting cut-throat papers under Peoples Doors. I hope I am not deceived in thinking that the People of this Province will cautiously avoid giving any new offence to the Parliament, but great Numbers, are so fluctuating, that some unexpected Incident may produce bad effects.

The Five Gentlemen whom I formerly inform'd your Lordship, were appointed by this City to be their Deligates at the general Congress, went to Philadelphia, the place of meeting last Week.—Seven Counties of this Province, neither appointed Deligates for themselves nor concur'd in the choise made by the City ; and two Counties have sent Deligates of their own.—I found the City Deligates were embarrassed by this Dissention of the People.

\* \* \* \* \*

*Lieutenant-Governor Colden to the Earl of Dartmouth.*

Col. Hist., VIII., 492.

New York 5th October, 1774.

\* \* \* \* \*

By my letter of the 7th of September, your Lordship would find I entertain'd Hopes that the People of this Province would adopt moderate Measures, and avoid giving any new offence to the Parliament.—I knew such was the sentiments of the Farmers and Country People in general, who make a great majority of the Inhabitants. I

had a confidential conference with one of the Deligates from this City to the Congress now met at Philadelphia, who I thought had as much Influence as any from this Place, and he gave me assurance of his Disposition being similar.

A great Deal of pains has been taken to persuade the Counties to chuse Deligates for the Congress, or to adopt those sent by this City. Several of the Counties have refused to be concern'd in the Measures. In Queens County, where I have a House and reside the Summer Season, Six Persons have not been got to Meet for the purpose; and the Inhabitants remain firm to their Resolution not to join in the Congress. In the Counties that have join'd in the Measures of the City, I am informed that the Business has been done by a very few Persons, who took upon themselves to act for the Freeholders. A Gentleman who was present when the Deligates were chosen in Orange County, says there was not twenty Persons at the Meeting, tho' there are above a thousand Freeholders in that County: and I am told the case was similar in other Counties that are said to have join'd in the Congress.

The violent men in this City, who lost the Lead among the People, when the Committee of 51 were appointed, as mention'd in my former Letters to your Lordship, hoped they had got an opportunity to regain their importance, and to throw the City into Confusion on Occasion of Orders which were received by some of our Merchants to furnish Articles wanted by the Army at Boston. These violent Men, last Week call'd a Meeting of the Citizens, which few, but the lower Class of People attended, and not a great many of them: yet they had the Impudence to send a Committee to the Merchants who were engaged in supplying the Articles wanted for the Army at Boston, with a very Impertinent Message, and endeavour'd to deter them, and all others, from furnishing the Army any Transports with any thing whatever. These Manœuvres occasion'd some Bustle among the People for a few Days, and oblig'd the Committee of 51 to desire a Meeting of the Inhabitants on Friday last, when a large body of the principal People and Merchants appear'd, and declared that those who had taken upon them to threaten the Merchants, had acted without any Authority from the Public, and that they highly disapproved of their Conduct; which has once more silenced the turbulent factious few, who are never easy, when the People are quiet and orderly. The Merchants now go on compleating their orders without further Interruption.

It is my Duty to give your Lordship the best Information I am able, of the Disposition of the People of this Province. With this view I mention the most material transactions among them. It is extremely Difficult at such times to give an opinion of what may happen. The most trifling unforeseen incident may produce the greatest Events. I have already said, my Lord, that I am well assured almost the whole Inhabitants in the Counties wish for moderate measures. They think the Dispute with Great Britain is carried far enough, and abhor the thoughts of pushing it to desperate

Lengths. In the City a large Majority of the People wish that a Non-importation agreement may not be proposed; and were very much surprised on finding that such a Measure would probably be resolved on by the Congress. I have some hopes that our Merchants will avoid a Non-importation agreement even if proposed by the Congress. I am certain a majority of the most considerable are convinced it is a wrong Measure, and wish not to come into it, but whether they will have resolution enough to oppose the Sentiments of all the other Colonies, can only be known when they are put to the trial.

\* \* \* \* \*

*Lieutenant-Governor Colden to the Earl of Dartmouth.*

Col. Hist., VIII., 510.

New York 2nd November 1774.

My Lord,

I have received the Honour of your Lordship's Commands of the 10th of September, No. 23.

The Congress, at Philadelphia, broke up last Week. They have publish'd an Extract of the Proceedings, of which I inclose your Lordship a Copy. It was received in this Place only two Days agoe, so that there has not been time to discover the General Sentiments of the People upon it. It is certain that the Measures of the Congress do not meet with rapid applause here; but on the contrary the People, even in the City, appear to be rather Dissatisfied. They continue, so far as I can discover, averse to all violent and irritating Measures. The Merchants seem to disrelish the Non-importation Association.—and if I am not very much deceived, the Farmers will not bear the Non-Exportation—but at present it is impossible to say with certainty what steps the People will take in Consequence of what has been advised and determined by the Congress.

I think I may continue to assure your Lordship that a great Majority in this Province are very far from approving of the extravagant and dangerous Measures of the New England Governments.—that they abhor the thoughts of a Civil War, and desire nothing so much as to have an End put to this unhappy Dispute with the Mother Country.

\* \* \* \* \*

Nothing material has happened in this Place since my last letter to your Lordship. The Merchants are at present endeavouring to sift out each others Sentiments upon the Association proposed by the Congress. A certain Sign, I take it, that they wish to avoid it.

\* \* \* \* \*



*Lieutenant-Governor Colden to the Earl of Dartmouth.*

Col. Hist., VIII., 512.

New York Dec<sup>r</sup> 7<sup>th</sup> 1774.

My Lord,

\* \* \* \* \*

The first thing done here, in consequence of the resolutions of the Congress, was the dissolution of the Committee of 51 in order to choose a new Committee to carry the measures of the Congress into effect. A Day was appointed by advertisement<sup>t</sup> for choosing sixty persons to form this new Committee. About thirty or forty citizens appeared at the election, and chose the sixty persons who had been previously named by the former Committee, I can, no otherwise my Lord, account for the very small number of people who appeared on this occasion than by supposing that the measures of the Congress are generally disrelished. The non-importation association affects the smugglers as well as the fair Traders.

\* \* \* \* \*

In the present Committee of this Place there are several gentlemen of property and who are esteemed to favor moderate and conciliatory measures. I was surprised to find such men joining with the Committee whose design is to execute the plan of the Congress. I have at length discovered that they act with a view to protect the City from the ravage of the Mob. For this purpose, they say they are obliged at present to support the measures of the Congress. That if they did not, the most dangerous men among us would take the Lead; and under pretence of executing the dictates of the Congress would immediately throw the City into the most perilous situation. That however considerable the numbers may be, who disapprove of violent riotous measures, yet the Spirit of Mobing is so much abroad, it is in the Power of a few People at any time to raise a Mob; and that the Gentlemen, and men of Property, will not turn out to suppress them. I fear my Lord there is too much truth in this representation. It is a dreadful situation. If we are not rescued from it, by the wisdom and firmness of Parliament, the Colonies must soon fall into distraction and every Calamity annexed to a total annihilation of Government.

M<sup>r</sup> Galloway one of the Philadelphia Delegates, has been lately here on a visit. He furnished me with Heads of a plan for the Government of the Colonies proposed by him to the Congress and seconded by M<sup>r</sup> Duane of this Place—These Gentlemen are of opinion my Lord, that there is a defect in the constitution of the British empire with respect to the Government of the Colonies, and that the most effectual means of reconciling the present unhappy differences; and for preventing the like hereafter, would be to obtain from the King and Parliament one General constitution that should establish a political Union not only among the Colonies, but with

Great Britain upon Principles of safety and freedom to both. These were the guiding objects in M<sup>r</sup> Galloways Plan, which underwent a Debate in the Congress. and was entered on their minutes I enclose your Lordship a copy of M<sup>r</sup> Galloways Plan, with two sets of introductory resolves. How amazing is it my Lord that when a rational mode of proceeding evidently tending to a Reconciliation, was introduced and supported by men of the best judgment the Congress should prefer a method big with wickedness, extravagance & absurdity. A fatal Pride and obstinacy seems to have governed them. The Delegates from Virginia were the most violent of any—those of Maryland and some of the Carolinians were little less so these Southern Gentlemen exceeded even the New-England Delegates :—they together made a majority that the others could have very little effect on. M<sup>r</sup> Galloway and M<sup>r</sup> Duane tell me that, at the close of the Congress they dissented from the proceedings, and insisted to have their dissent entered on the Minutes, but could not by any means get it allowed.

\* \* \* \* \*

*Earl of Dartmouth to Lieutenant-Governor Colden.*

Col. Hist., VIII., 529.

Whitehall Jan<sup>y</sup> 7<sup>th</sup> 1775.

\* \* \* \* \*

The affairs of America are now come to a crisis, and as the consideration will be taken up by the Houses of Parliament immediately after the Holidays, it can not but be the wish of every candid & unprejudiced person that the proceedings of the general congress had been of such a colour and complexion, as to have united accommodation without provoking the vengeance of the mother country.

The Idea of Union upon some general constitutional plan, is certainly very just, & I have no doubt of its being yet attainable through some channell of mutual consideration and discussion.

\* \* \* \* \*

In the Library of the Historical Society is a "broadside" containing a full account of the great dinner given on the 19th Sept., 1774, at the State House in Philadelphia, to the Congress of 1774, by the gentlemen of that city, with the toasts drank. It is here printed verbatim. The toasts strikingly depict the feelings and sentiments of that body.

Philadelphia, September 19.

On Friday last the Honourable delegates, now met in General Congress, were elegantly entertained by the Gentlemen of the City. Having met at the City Tavern about 3 o'clock, they were conducted from thence to the State house by the managers of the entertain-

ment, where they were received by a very large company, composed of the clergy, such genteel strangers as happened to be in town, and a number of respectable citizens, making in the whole near 500— After dinner the following toasts were drank, accompanied by musick and a discharge of cannon :

1. The King.
2. The Queen.
3. The Duke of Gloucester.
4. The Prince of Wales and royal family.
5. Perpetual union to the colonies.
6. May the colonies faithfully execute what the Congress shall wisely determine.
7. The much injured town of Boston and Province of Massachusetts Bay.
8. May Great Britain be just, and America be free.
9. No unconstitutional standing armies.
10. May the cloud which hangs over Great Britain and the colonies, burst *only* on the heads of the present ministry.
11. May every American hand down to posterity, pure and untainted, the liberty he has derived from his ancestors.
12. May no man enjoy freedom who has not spirit to defend it.
13. May the persecuted Genius of Liberty find a lasting asylum in America.
14. May British swords never be drawn in defence of tyranny.
15. The arts and manufactures of America.
16. Confusion to the authors of the Canada Bill.
17. The liberty of the press.
18. A happy reconciliation between Great Britain and her colonies, on a constitutional ground.
19. The virtuous few in both Houses of Parliament.
20. The City of London.
21. Lord Chatham.
22. Lord Camden.
23. Bishop of St. Asaph.
24. Duke of Richmond.
25. Sir George Saville.
26. Mr. Burke.
27. General Conway.
28. Mr. Dunning.
29. Mr. Sawbridge.
30. Dr. Franklin.
31. Mr. Dulany.
32. Mr. Hancock.

The acclamations with which several of them were received, not only testified the sense of the honour conferred by such worthy guests, but the fullest confidence in their wisdom and integrity, and a firm resolution to adopt and support such measures as they shall direct for the public good at this alarming crisis.

## NOTE XVI.

THE COMMITTEE OF SIXTY AND ITS ACTION—THE ELECTION AND FIGHT OF MARCH 6TH—THE FIRST PROVINCIAL CONVENTION—AND THE ELECTION OF THE GENERAL COMMITTEE OF ONE HUNDRED.

*Volume I., page 37.*

PURSUANT to the measures adopted by the Congress at Philadelphia, the Committee of Fifty-one took action for the "choosing" of a "Committee of Observation" to carry out those measures, consisting of "*Sixty*" *Members*, which being chosen on the 22d of November, 1774, the Committee of "Fifty-one" became ipso facto dissolved.

This "Committee of Sixty" acted until 27th of April, 1775, when, in consequence of the feeling produced by the Battle of Lexington, the Committee itself proposed, that a "*General Committee of One Hundred*" should be chosen in its place, *with larger powers*, and nominated one hundred persons to compose it, who were elected such Committee in May, 1775.

On the 6th of March took place the fight and proceedings at the Meeting at the Exchange described on pages 37 and 38. The Committee's account will be found in this note. Eleven delegates, however, were chosen, and not five only, as stated in text, as shown by the proceedings here given. The First Provincial Convention met April 21st, 1775. The proceedings of the Committee of Sixty are as follows :

*From Rivington's (N. Y.) Gazetteer of Nov. 10, 1774.*

New York, Committee-Chamber, Nov. 7th 1774.

"Whereas at the late continental Congress held at Philadelphia, it was resolved that a committee be chosen in every county, city & town by those who are qualified to vote for representatives in the legislature ; whose business it shall be attentively to observe the conduct of all parties touching the association, entered into by the members of said Congress, in the name and on the behalf of

“ themselves and their respective constituents, and when it shall be  
 “ made to appear to the satisfaction of the majority of any such  
 “ Committee, that any person within the limits of their appointment  
 “ has violated the said association, that such majority do forthwith  
 “ cause the truth of the case to be published in the Gazette to the  
 “ end, that all such foes to the rights of British America may be  
 “ publicly known and universally condemned, as the enemies of  
 “ American liberty; and that thenceforth the parties to the said  
 “ Association will respectively break off all dealings with him or  
 “ her ”:

Which said resolve of the Congress being this day taken into consideration by the Committee of Correspondence of the City of New York: They do hereby recommend to the freeholders and freemen of the said city, to assemble together at the usual places of election, in their several wards, at 10 clock in the forenoon, on Friday the 18th day of this instant November, then and there to elect and appoint 8 fit persons in each respective ward to be a committee of Inspection, for the purpose expressed in said resolve of the Congress.

*By order of the Committee,*  
 Isaac Low, Chairman.

*From Rivington's Gazetteer, Nov. 17, 1774.*

Committee-Chamber, Nov. 15, 1774.

Whereas it is apprehended, that Inconveniences may arise from the mode lately recommended by this Committee, for electing a new Committee to superintend the Execution of the Association entered into by the Continental Congress, and this Committee of Correspondence having taken the same into further Consideration, and consulted many of their fellow citizens and also conferred with the Committee of Mechanics, and having agreed to dissolve their Body as soon as such new Committee shall be appointed;

Public Notice is therefore hereby given—That it is now thought fit, that instead of the mode prescribed by the former Advertisement Sixty Persons, to continue in Office until the first day of July next shall be chosen by the freeholders and freemen of said city to be a committee for the Purposes mentioned in the said Association, and that the said Election shall be held at the City Hall on Tuesday next<sup>1</sup> at 10 oclock in the forenoon, under the inspection of the vestry men of this City, who shall be requested by the Inhabitants to attend for that Purpose.

*By order of the Committee,*  
 Isaac Low, Chairman.

• November 22nd.

*From Rivington's (N. Y.) Gazetteer, November 24, 1774.*

Tuesday, Nov. 22, 1774.

The election of a committee of sixty persons for the purposes mentioned in the Association, entered into by the Congress, having this day come on, pursuant to advertisements in the public newspapers ; a respectable number of the freeholders and freemen of this city, assembled at the City Hall, where the election was conducted under the inspection of several of the Vestry-men : And the following persons were chosen without a dissenting voice, viz :

Isaac Low,	Thomas Ivers,
Philip Livingston,	Hercules Mulligan,
James Duane,	John Anthony,
John Alsop,	Francis Basset,
John Jay,	Victor Bicker,
Peter Van B. Livingston,	John White,
Isaac Sears,	Theophilus Anthony,
David Johnston,	William Goforth,
Charles Nicoll,	William Denning,
Alexander McDougall,	Isaac Roosevelt,
Thomas Randall,	Jacob van Voorhees,
Leonard Lispenard,	Jeremiah Platt,
Edward Laight,	Wm. Ustick,
William Walton,	Comfort Sands,
John Broome,	Robert Benson,
Joseph Hallet,	William W. Gilbert,
Charles Shaw,	John Berrian,
Nicholas Hoffman,	Gabriel W. Ludlow,
Abraham Walton,	Nicholas Roosevelt,
Peter Van Schaack,	Edward Flemming,
Henry Remsen,	Lawrence Embree,
Peter T. Curtenius,	Samuel Jones,
Abraham Brasher,	John De Lancey,
Abraham P. Lott,	Frederick Jay,
Abraham Duryee,	William W. Ludlow,
Joseph Bull,	John B. Moore,
Francis Lewis,	George Januwa,
John Lasher,	Rodolphus Ritzma,
John Roome,	Lindley Murray,
Joseph Totten,	Lancaster Burling.

\* \* The members of the above committee are desired to meet at the Exchange, next Monday evening,<sup>1</sup> at 6 o'clock.

<sup>1</sup> The 28th.

The following Extracts from the Proceedings of the Committee of Observation for the City and County of New York are by them directed to be published.

The Committee met, according to Adjournment, the 27th February, 1775.

Present, Isaac Low, Chairman (*and thirty-eight other members.*)

Mr. Peter van Brugh Livingston moved, and was seconded by Mr. Joseph Hallett, That the Committee take into Consideration, the Ways and Means of causing Delegates to be elected, to meet the Delegates of the other Colonies on this Continent in General Congress, to be held at Philadelphia on the 10th Day of May next,—carried unanimously in the Affirmative, except Mr. Samuel Jones.<sup>1</sup>—The Committee adjourned to Wednesday Evening next.

The Committee met by adjournment, Wednesday, 1st March, 1775.

Present, Isaac Low, Chairman (*and thirty-seven other members.*)

Ordered, That the following Notice be printed and published, viz.

To the Freeholders and Freemen of the City and County of New-York.

As the last Congress, held at Philadelphia, recommended, That another Congress should be convened at the same Place, on the 10th Day of May next; and the Election of Delegates ought not longer to be delayed, most of the other Colonies having already appointed them. And as this Committee has no Power without the Approbation of their Constituents, to take any Measures for that Purpose: They therefore request, That the Freeholders and Freemen of the City and County of New York, will be pleased to assemble at the Exchange, on Monday the 6th Instant, at 12 o'clock, to signify their Sense of the best Method of choosing such Delegates; and whether they will appoint a certain Number of Persons to meet such Deputies as the Counties may elect for that Purpose, and join with them in appointing out of their Body Delegates for the next Congress.

<sup>1</sup> Afterwards the first Comptroller of the STATE of New York, and father of the late Chancellor Samuel Jones, and cousin of the Author.

The Committee met on Monday Evening, 6th March, 1775.

*Present,*

Wm. Walton, Chairman,	John Anthony,
( <i>pro tempore</i> )	Francis Bassett,
Philip Livingston,	Victor Bicker,
John Jay,	John White,
Peter V. B. Livingston,	Theophilus Anthony,
Isaac Sears,	William Goforth,
Alexander McDougall,	William Denning,
Leonard Lispenard,	Isaac Roosevelt,
John Broome,	Jacob van Voorhies,
Joseph Hallett,	Jeremiah Platt,
Abraham Walton,	Comfort Sands,
Peter Van Schaack,	Robert Benson,
Henry Remsen,	William W. Gilbert,
Peter T. Curtenius,	John Berrian,
Abraham Brasher,	Nicholas Roosevelt,
Abraham P. Lott,	Edward Fleming,
Abraham Duryee,	Frederick Jay,
Joseph Bull,	William W. Ludlow,
Francis Lewis,	John B. Moore,
John Lasher,	George Janeway,
Thomas Ivers,	Rudolphus Ritzema.
Hercules Mulligan,	

The Request made by the Committee to the Freeholders and Freemen of this City and County, at the last Meeting of the Committee, having been published, a very numerous Assembly of them convened at the Exchange this Morning, and Mr. Isaac Low, by the Direction of this Committee and in the presence of many of the Members, put the following Questions to the said Assembly of the People, viz. "Whether they will appoint and authorize a certain Number of Persons to meet such Deputies as the Counties may elect, and join with them, for the SOLE Purpose of appointing out of their Body, Delegates for the next Congress?" Which Question being put as aforesaid, a very great Majority of the People answered it in the Affirmative; but a Poll was demanded by the Minority.

The following Question was then put by the said Chairman to the People, by the Direction of the Committee, and in the Presence of many of its members, viz.—"Whether they will authorize the Committee to nominate Eleven Deputies for their Approbation?"—To which Question a very great Majority of the People also answered in the Affirmative.—The above mentioned Facts having been transacted under the Inspection and in the Presence of a Number of the Members of this Committee, viz.



Mr. Lewis,	Mr. Goforth,	Mr. Bull,
Mr. J. Anthony,	Mr. Benson,	Mr. Bicker,
Mr. Denning,	Mr. Berrian,	Mr. P.V. B. Livingston,
Mr. A. Walton,	Mr. McDougall,	Mr. White,
Mr. Mulligan,	Mr. Ritzema,	Mr. Brasher,
Mr. J. Jay,	Mr. Hallett,	Mr. Lispenard,
Mr. Broome,	Mr. Lasher,	Mr. Lott,
Mr. Sears,	Mr. Curtenius,	Mr. Platt,
Mr. T. Anthony,	Mr. Remsen,	Mr. Duryee,
Mr. Ivers,	Mr. Van Voorhies,	Mr. Bassett,
Mr. J. Roosevelt,	Mr. Gilbert,	Mr. N. Roosevelt,
Mr. Ph. Livingston,	Mr. Sands,	Mr. Janeway,
Mr. Fleming,		

and by them reported to this Committee.

Ordered therefore unanimously, that the same be entered in the Minutes of their Proceedings.

The following Gentlemen were nominated by Ballot, for the Approbation of the Freemen and Freeholders, for the City and County of New-York, to serve as Deputies to meet such other Deputies as may be appointed by the remaining Counties in this Province, for the sole Purpose of electing out of their Body, Delegates for the next Congress, viz.

Isaac Low,	John Jay,	Isaac Roosevelt,
Philip Livingston,	Leonard Lispenard,	Alexander McDougall,
James Duane,	Abraham Walton,	Abraham Brasher,
John Alsop,	Francis Lewis,	

On the Friday evening previous, March 3d, a Public Meeting of the inhabitants disapproving the call of the Committee for an election of delegates on the 6th, was held at the house of the widow De La Montagnie,<sup>1</sup> Mr. John Thurber presiding, at which it was resolved to attend the meeting on the 6th and try to get it adjourned to April 20th, and to issue a handbill desiring those who were of their sentiments to meet them at the widow De La Montagnie's on Monday, the 6th, at 10 A.M., and proceed from thence to the Exchange.

The next evening—Saturday—the opposite party met to support the Committee in holding the election on the 6th. This meeting terminated in a rush of the meeting *en masse* to the owners of the ship Beulah, and her Captain, who had delayed in sending her back for violating the non-importation

<sup>1</sup> In Broadway, opposite the Park.

agreement, and compelling them to send her down to Sandy Hook, whence she sailed a day or two after for England. These incidents will be found in Holt's *Journal* of March 9th, 1775; and the statement closes with the following friendly account of the meeting of the 6th, the election, and the fight:

"Early on Monday Morning Preparations were made for the Meeting in the Exchange; A Union Flag<sup>1</sup> with a red field was hoisted on the Liberty Pole, where at nine o'clock the Friends of Freedom assembled and having got into proper readiness, about 11 o'clock the Body began their March to the Exchange. They were attended by Music; and two Standard Bearers carried a large Union Flag,<sup>2</sup> with a Blue Field on which were the following inscriptions: GEORGE III. REX AND THE LIBERTIES OF AMERICA. NO POPERY. On the other [side] THE UNION OF THE COLONIES AND THE MEASURES OF THE CONGRESS. Sometime after they had arrived at the Exchange came also the other company who had met at the widow De La Montagne's, among whom were some officers of the Army and Navy, several of His Majesty's Council, and those members of the House of Representatives who had refused taking into consideration the Proceedings of the Congress, together with the officers of the Customs and other Dependants of the Court, &c. Soon after the parties met some confusion arose, but subsided without any bad consequences. The chairman of the Committee then proceeded to explain the design of the Meeting, after which he proposed the following Questions, viz:

"First Question.—Whether a certain Number of persons shall be appointed and authorized to meet such Deputies as the Counties may elect, and join with them for the sole object of appointing out of their body on the 20th of April next, Delegates to the next Congress?

"Second Question.—Whether this meeting will authorize the Committee to nominate Eleven Deputies for their Approbation?

"Both were carried in the Affirmative. The Meeting, and the Majority which determined the Questions are supposed to have been the most numerous and respectable ever known in this City on the Decision of any Public Proposal. The Business of the day being finished, the Friends of Freedom paraded thro' one of the principal Streets of the City to the Liberty Pole, and there dispersed in the most quiet and orderly manner."

The "quiet and orderly manner," however, is a little poetical, for at the dispersion then, and there, occurred the riot in

<sup>1</sup> The British Union Jack cantoned on a red field.

<sup>2</sup> The British Union Jack cantoned on a blue field bearing the inscriptions mentioned.

which William Cunningham, afterwards the notoriously cruel keeper of the prison in the Park called "The Prevost" and a Son of Liberty who had become disaffected, was severely handled.' The Committee of Sixty on the 8th took the following action for the due election of Delegates to the Congress *by wards*, not satisfied, apparently, with the result on the sixth at the Exchange.

The Committee met by adjournment, Wednesday Evening, 8th March, 1775.

*Present,*

Philip Livingston, Chairman (*pro temp.*), and thirty-five other members.

Mr. John Jay moved, and was seconded in the words following, viz.

Mr. Chairman,

I move, that the Names of the Eleven Persons, nominated by this Committee, for the Approbation of our constituents, as Deputies for this City and County be printed and published, and that a Poll be opened in each Ward, at the usual Places of Election, on Wednesday, the 15th Day of March Inst, at 9 o'Clock in the Morning, under the Inspection of the two Vestry Men of each Ward and two of the Members of this Committee, or any two of the four. And that the Votes of the Freemen and Freeholders be then and there taken on these Questions, "Whether they will choose Deputies for this City and County to meet such Deputies as the other Counties may elect, and join with them for the *sole* Purpose of appointing out of their Body, Delegates for the next Congress," and if yea, who such Deputies shall be, and that the Names of all the Freemen and Freeholders, who shall vote at the said Polls be set down and reported to this Committee at their then next Meeting.—Which Motion being *Nem. Con.* agreed to,—Ordered, That the same be done accordingly, and that Mr. Lasher and Mr. Frederick Jay, attend the Poll in the South Ward,—That Mr. Remsen and Mr. Broome attend the Poll in the Dock Ward,—That Mr. Hallett and Mr. Denning attend the Poll in the East Ward,—That Mr. N. Roosevelt and Mr. Bull attend the Poll in Montgomerie Ward,—That Mr. Ivers and Mr. John Anthony attend the Poll in the Out Ward,—That Mr. Fleming and Mr. White attend the Poll in the North Ward,—That Mr. Curtenius and Mr. William W. Gilbert attend the Poll in the West Ward.

Ordered, That the Gentlemen, above named and appointed to attend the Polls in the different Wards, wait upon the Vestry-Men<sup>1</sup>

<sup>1</sup> Holt's Journal of 23d March, 1775.

<sup>2</sup> See note II., ante.

of each Ward, and request the Favour of them to attend and join with them in the Inspection of the said Polls.

By Order of the Committee, Isaac Low, Chairman.  
Committee-Chamber, New York,  
8th March, 1775.

The following note was issued by Mr. Isaac Low :

THE RESPECTABLE PUBLIC,

Will be pleased to take Notice, that a Mournful Event in my Family having prevented my Attendance on the Committee when the eleven Deputies were nominated for the Purpose above mentioned ; I desired a Friend that in Case I should be put on the Nomination, to declare, in my Behalf, that I should be under the disagreeable Necessity of dissenting.

Finding notwithstanding the above Declaration which was communicated by my Friend, that the Committee persisted in nominating me as one of the eleven Deputies ; I now beg leave to declare, that upon the most mature deliberation, I cannot consent to be held up to the Public in that Capacity. The more especially, as I conceive it altogether inconsistent to put it in the power of Deputies to refuse me an Honour which I neither solicit or desire of my Fellow-Citizens.

Isaac Low.

New York, March 9, 1775.

[*This Address was not laid before the Committee.*]

*From the New-York Gazette: and the Weekly Mercury, March 20, 1775.*

Committee-Chamber, 15th March, 1775.

The sub-Committees appointed by this Committee to join with the Vestry-men of each ward in this city, in superintending the polls held this day in the said wards, for taking the votes of the freemen and freeholders on the question, "Whether they would choose Deputies for this city and county, to meet such Deputies as the counties may elect, and join with them for the sole purpose of appointing out of their body, Delegates for the next Congress?" And if yea, who such Deputies should be ; Reported, That they had accordingly attended the said polls, and delivered to the Committee the several poll lists, by them taken, under their hands and the hands of the Vestry-men of such wards ; from which it appears that

823 freeholders and freemen voted for Deputies, and elected the eleven persons nominated by this Committee ; and that 163 voted against the measures of appointing Deputies. The said Sub-Committees also informed this Committee that almost all those who voted against the appointment of Deputies, declared they were nevertheless for Delegates.

*Ordered*, That the said Reports and Poll Lists be lodged with the Secretary, and that circular letters be written to all the counties in

the Colony, informing them of the appointment of Deputies for this city and county, and requesting them, with all convenient speed, to elect Deputies to meet in Provincial Convention, at the City of New York, on the 20th of next April, for the *sole* purpose of appointing Delegates to represent this Colony at the next Congress to be held at Philadelphia the 10th day of May next.

*Ordered*, That the above Extracts from the proceedings of the Committees be published.

By Order of the Committee,  
John Alsop, Deputy Chairman.

The "*Provincial Convention*" thus chosen was the first body of a legislative, or rather *quasi* legislative, nature, that ever sat in New York since its conquest from the Dutch, *not deriving its powers from the British, or the Colonial, authorities and laws*. It consisted of forty-three members. The eleven persons above chosen, represented the City and County of New York. Albany had three members, Ulster three, Orange five, Westchester six, Dutchess three, Kings five, Suffolk five, and Queens four. They met on April 20th, 1775. Philip Livingston was chosen President, and John McKesson, Secretary. They sat but two days. One of the delegates chosen, Isaac Low, of New York, declined to take his seat. The following copy of the "*Credentials*"<sup>1</sup> of the delegates to the Congress adopted, recites their entire action and demonstrates their object. They were signed by every member except the one who refused to sit.

At a Provincial Convention, formed of Deputies from the City and County of New York, the City and County of Albany, and the Counties of Dutchess, Ulster, Orange, Westchester, Kings, and Suffolk,<sup>2</sup> held at the City of New York, the twenty second day of April, one thousand seven hundred and seventy five, for the purpose of appointing Delegates to represent the Colony of New York in the next Continental Congress, to be held in the City of Philadelphia, on the tenth day of May next, Philip Livingston, Esquire, James Duane, John Alsop, John Jay, Simon Boerum, William Floyd, Henry Wisner, Philip Schuyler, George Clinton, Lewis Morris, Francis Lewis, and Robert R. Livingston, Junr., Esquires, were unanimously elected Delegates to represent this Colony at such Congress, with full power to them or any five of them, to meet the Delegates from the other Colonies, *and to concert and determine upon such measures*

<sup>1</sup> Journals of Provincial Congress, p. 5.

<sup>2</sup> Queens is not mentioned in the credentials, probably omitted by accident.

*as shall be judged most effectual for the preservation and re-establishment of American rights and privileges, and for the restoration of harmony between Great Britain and the Colonies.*

*Ordered*, That the same be subscribed by the Members of this Convention, and that fair copies be made of the resolutions of this Convention appointing the Delegates, as also a list of the Deputies who attended thereat, and that the same be signed by the President and published in the New York Newspapers.

*Ordered*, That the thanks of this Convention be given to the Secretary for his services on this occasion which was accordingly done.

Phil. Livingston,	John Haring,
John Alsop,	Lewis Morris,
Jas. Duane,	John Thomas, Junr.,
Francis Lewis,	Robt. Graham,
Abrm. Walton,	Philip Cortlandt,
Isaac Roosevelt,	Saml. Drake,
Alexr. McDougall,	Stephen Ward,
Ab. Brasher,	Morris Graham,
Leonard Lispenard,	Robt. R. Livingston, Junr.,
Ph. Schuyler,	Eg. Benson,
Abm. Ten Broeck,	S. Boerum,
Abm. Yates, Junr.,	John Van Derbilt,
Walter Livingston,	Wm. Floyd,
Ch. De Witt,	Nathl. Woodhull,
Geo. Clinton,	Phineas Fannings,
Levi Pawling,	John Sloss Hobart,
A. Hawkes Hay,	Thomas Tredwell,
Henry Wisner,	Zebr. Williams,
Peter Clowes,	Jacob Blackwell,
Israel Seely,	John Tallman,
Joseph Robinson.	

On Sunday, the 23d of April, 1775, the news of the battle of Lexington reached New York, and produced the scenes stated in the text. And on the next Wednesday, the 26th, the Committee took action as follows :

New-York, Committee-Chamber,

Wednesday, 26th April, 1775.

The Committee having taken into Consideration the Commotions occasioned by the sanguinary Measures pursued by the British Ministry, and that the Powers with which this Committee is invested respect only the Association, are unanimously of Opinion, That a new Committee be elected by the Freeholders and Freemen of this City and County, for the present unhappy Exigency of Affairs, as well as to observe the Conduct of all Persons touching the Association ; That the said Committee consist of 100 Persons ; that 33 be a Quorum, and that they dissolve within a Fortnight next after the End of the next Sessions of the Continental Congress. And that the Sense

of the Freeholders and Freemen of this City and County, upon this Subject, may be better procured and ascertained, the Committee are further unanimously of Opinion, That the Polls be taken on, Friday Morning next, at 9 o'clock, at the usual Places of Election in' each Ward, under the Inspection of the two Vestrymen of each Ward,<sup>1</sup> and two of this Committee, or any two of the four; and that at the said Elections the Votes of the Freemen and Freeholders be taken on the following Questions, viz. Whether such New Committee shall be constituted; and if *Yea*, of whom it shall consist. And this Committee is further unanimously of Opinion, That at the present alarming Juncture, it is highly adviseable that a Provincial Congress be immediately summoned; and that it be recommended to the Freeholders and Freemen of this City and County, to choose at the same Time that they vote for the New Committee aforesaid, Twenty Deputies to represent them at the said Congress. And that a Letter be forthwith prepared and despatched to all the Counties, requesting them to unite with us in forming a Provincial Congress, and to appoint their Deputies without Delay, to meet at New York, on Monday the 22nd of May next.

By Order of the Committee,

Isaac Low, Chairman.

The following Persons are recommended to the Public, as proper to be elected for a GENERAL COMMITTEE for the City and County of New York, in the present alarming Exigency.

- |                            |                         |
|----------------------------|-------------------------|
| 1. Isaac Low,              | 23. Abraham Duryee,     |
| 2. Philip Livingston,      | 24. Joseph Bull,        |
| 3. James Duane,            | 25. Francis Lewis,      |
| 4. John Alsop,             | 26. Joseph Totten,      |
| 5. John Jay,               | 27. Thomas Ivers,       |
| 6. Peter V. B. Livingston, | 28. Hercules Mulligan,  |
| 7. Isaac Sears,            | 29. John Anthony,       |
| 8. David Johnson,          | 30. Francis Basset,     |
| 9. Alexander McDougall,    | 31. Victor Bicker,      |
| 10. Thomas Randall,        | 32. John White,         |
| 11. Leonard Lispenard,     | 33. Theophilus Anthony, |
| 12. William Walton,        | 34. William Goforth,    |
| 13. John Broom,            | 35. William Denning,    |
| 14. Joseph Hallet,         | 36. Isaac Roosevelt,    |
| 15. Gabriel H. Ludlow,     | 37. Jacob Van Voorhees, |
| 16. Nicholas Hoffman,      | 38. Jeremiah Platt,     |
| 17. Abraham Walton,        | 39. Comfort Sands,      |
| 18. Peter Van Schaack,     | 40. Robert Benson,      |
| 19. Henry Remsen,          | 41. William W. Gilbert, |
| 20. Peter T. Curtenius,    | 42. John Berrian,       |
| 21. Abraham Brasier,       | 43. Gabriel W. Ludlow,  |
| 22. Abraham P. Lott,       | 44. Nicholas Roosevelt, |

<sup>1</sup> See Note II., *ante*.

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|---|--|
| 45. Edward Fleeming,                      | 73. Peter Goelet,                      |
| 46. Lawrence Embree,                      | 74. John Marston,                      |
| 47. Samuel Jones,                         | 75. Thomas Marston,                    |
| 48. John De Lancey, <sup>1</sup>          | 76. John Morton,                       |
| 49. Frederick Jay,                        | 77. George Foliot,                     |
| 50. William W. Ludlow,                    | 78. Jacobus Lefferts,                  |
| 51. John B. Moore,                        | 79. Richard Sharpe,                    |
| 52. Rudolphus Ritzema,                    | 80. Hamilton Young,                    |
| 53. Lindley Murray,                       | 81. Abraham Brinckerhoff,              |
| 54. Lancaster Burling,                    | 82. Thomas Ellison, Jun.,              |
| 55. John Lasher,                          | 83. Walter Franklin,                   |
| 56. George Janeway,                       | 84. David Beekman,                     |
| 57. James Beekman,                        | 85. William Seton,                     |
| 58. Samuel Verplanck,                     | 86. Evert Banker,                      |
| 59. Richard Yates,                        | 87. Robert Ray,                        |
| 60. David Clarkson,                       | 88. Nicholas Bogert, <i>Broad-way,</i> |
| 61. Thomas Smith,                         | 89. William Laight,                    |
| 62. James Desbrosses,                     | 90. John Thurman,                      |
| 63. Augustus Van Horne,                   | 91. John Lamb,                         |
| 64. Gerret Keteltas,                      | 92. Daniel Phoenix,                    |
| 65. Stephen De Lancey, Jun., <sup>2</sup> | 93. Anthony Van Dam,                   |
| 66. Benjamin Kissam,                      | 94. Daniel Dunscomb,                   |
| 67. John M. Scott,                        | 95. James Wells,                       |
| 68. Cornelius Clopper,                    | 96. Oliver Templeton,                  |
| 69. John Reade,                           | 97. Lewis Pintard,                     |
| 70. John Van Cortlandt,                   | 98. Cornelius P. Low.                  |
| 71. Jacobus Van Zandt,                    | 99. Thomas Buchanan,                   |
| 72. Gerardus Duyckinck,                   | 100. Petrus Byvanck.                   |

The following are the Names of Persons recommended as DEPUTIES for the City and County of *New York*, to meet Deputies of the other Counties, in *Provincial Congress*, on Monday, the 22d of May next.

Leonard Lispenard,	Benjamin Kissam,
Isaac Low,	Samuel Verplanck,
Abraham Walton,	David Clarkson,
Isaac Roosevelt,	George Foliot,
Abraham Brasier,	Joseph Hallett,
Alexander McDougall,	John Van Cortlandt,
Peter Van B. Livingston,	John De Lancey,
John Thurman,	Richard Yates,
John M. Scott,	John Marston,
Thomas Smith,	Walter Franklin.

New York, April 27, 1775.

Accordingly, on May 1, 1775, the above nominated General Committee of One Hundred was elected.

<sup>1</sup> Second son of Peter De Lancey, of West Farms.

<sup>2</sup> Eldest son of Gen. Oliver De Lancey, the elder.



## NOTE XVII.

THE ACTION OF THE NEW YORK ASSEMBLY IN 1774, AND  
THE ACCOUNTS OF IT, AND OF AFFAIRS IN NEW YORK,  
IN 1775, BY GOVERNORS COLDEN AND TRYON.

*Volume I., pages 36, 37.*

THE first meeting of the Assembly of the Colony of New York, in 1774, occurred on the sixth of January in that year, but a quorum of members did not appear till the *twelfth* when the session was formally opened with the customary speech of the Governor, William Tryon, Esq. John Cruger, the Speaker, "then informed the House that he had, since the last session, received the following letters from the Speakers of several of the Houses of Assembly on this continent, inclosing the copies of sundry resolutions entered into by them, to wit,

A letter from Peyton Randolph, Esq., Speaker of the House of Burgesses of the Colony of Virginia.

A letter from Metcalf Bowler, Esq., Speaker of the House of Deputies of the Colony of Rhode Island.

A letter from Thomas Cushing, Esq., Speaker of the House of Representatives of the Colony of Massachusetts Bay.

A letter from Ebenezer Silliman, Esq., Speaker of the House of Representatives of the Colony of Connecticut.

A letter from Cæsar Rodney, Esq., Speaker of the House of Representatives of the Counties of Newcastle, Kent, and Sussex, upon Delaware.

And a letter from Matthew Tilghman, Esq., Speaker of the lower House of Assembly of the Province of Maryland.

Mr. Speaker then also laid before the House the copies of sundry letters he sent in answer to the foregoing, and the said letters, and copies of letters, together with the resolutions therein mentioned, being severally read, *Ordered*, that the same be taken into further consideration to-morrow."

The next day, the 13th, the House "*Ordered*, That the said letters and Resolutions be referred to a Committee of the

whole house, and that they proceed to the consideration thereof on Tuesday next."<sup>1</sup>

Accordingly, on Tuesday, the 20th of January, 1774, they were discussed in committee of the whole, and the following resolutions were reported to the House, which were then passed, thus creating *the first "Committee of Correspondence"* in New York, to correspond with the other colonies in relation to the Acts of Parliament, and proceedings of the British Government, affecting the liberties of America.

This was four months before the formation of the "Committee of Fifty-one,"—by the popular movement on the 18th and 19th of May, 1774, mentioned in Note XVI.—the Committee which suggested the Congress of 1774.

The resolutions, and the Committee, thus passed and appointed, are as follows :

*" Resolved, nem. con.*

That it is the opinion of this committee, that a Standing Committee of Correspondence and inquiry be appointed, to consist of the following persons, to wit, John Cruger, Esq., Speaker, James De Lancey, James Jauncey, Jacob Walton, Benjamin Seaman, Isaac Wilkins, Frederick Philipse, Daniel Kissam, Zebulon Seaman, John Rapelje, Simon Boerum, John de Noyelles, and George Clinton, Esquires, or any seven of them, whose business it shall be to obtain the most early and authentic intelligence of all such acts and resolutions of the British Parliament, or proceedings of Administration, as do, or may relate to, or affect, the liberties and privileges of his Majesty's subjects in the British Colonies in America, and to keep up and maintain a correspondence and communication with our sister colonies respecting these important considerations, and the result of their proceedings to lay before the House.

*Resolved also, nem. con.*

That it is the opinion of this Committee, that the Speaker of this House prepare draughts of letters to the Speakers of the Assemblies on the continent of America, inclosing these resolutions, and requesting them to lay the same before their respective assemblies, and that he do return the thanks of this house to the burgesses of Virginia, for their early attention to the liberties of America.

Which resolutions having been read a second time

*Resolved,*

That this House doth agree with the Committee in the said resolutions.<sup>2</sup>

<sup>1</sup> N. Y. Assembly Journals, 1766-1776, January Session, 1774, p. 3 and p. 7.

<sup>2</sup> N. Y. Assembly Journals, 1766-1776, January Session, 1774, p. 16.

This Committee reported its proceedings to the Assembly from time to time, was continued on the 1st of April, 1775, by formal resolution,<sup>1</sup> and existed till the final adjournment of the Provincial Assembly on the third of April, 1775.

The session of 1775 began January 10th, and a quorum being present on the 13th, Lt.-Gov. Colden delivered his speech. On the 18th of January, 1775, Mr. De Lancey, from the Committee on the subject, reported the address of the Assembly in answer to the Governor's speech, which he read. It was referred to the Committee of the Whole, and discussed the next day, when Col. Philip Schuyler moved to strike out these words: "*and with calmness and deliberation pursue the most probable means to obtain a redress of our grievances,*" and insert in their place the following: "*and consider and examine with the utmost calmness, deliberation, and impartiality, the complaints of our constituents; and endeavour to obtain a cordial, and permanent reconciliation with our parent state, by pursuing the most probable means to obtain a redress of our grievances.*"

This amendment was voted down without a division, and the address reported to the House, and adopted by a vote of seventeen to one, Schuyler voting for it, the solitary vote in the negative being that of Col. Philip Livingston.<sup>2</sup> This was the *first* political discussion, and its result, in the last Assembly of the Province of New York. The part of the address relative to the state of the Province is in these words:

"Affected with the deepest concern by the distressed state of the Colonies, and impressed with a due sense of the fatal consequences of attending the unhappy dispute between Great Britain and His Majesty's American dominions, we feel the most afflicting anxiety at this alarming crisis. Fully convinced that the happiness of our constituents depends greatly on the wisdom of our present measures, we shall exercise the important trust they have reposed in us, with firmness and fidelity; and with calmness and deliberation, pursue the most probable means to obtain a redress of our grievances; and it affords us the highest satisfaction to hear from your Honor, that our most gracious sovereign will be attentive to the complaints of his American subjects, and ready with paternal tenderness to grant us relief. Anxious for the interest and happiness of our country, and

<sup>1</sup> N. Y. Ass. Journals, 1766-76, Session of 1775, p. 106.

<sup>2</sup> Ibid., pp. 12, 13.

earnestly solicitous for the reestablishment of harmony with Great Britain, we shall discountenance every measure which may tend to increase our distress, and by our conduct shew ourselves truly desirous of a cordial and permanent reconciliation with our parent Kingdom."<sup>1</sup>

The following despatches extracted from eighth volume of "The Documents relative to the Colonial History of New York," the great work published by the State, in eleven volumes quarto, give the official account of affairs in New York in 1775 :

*Lieutenant-Governor Colden to the Earl of Dartmouth.*

Col. Hist. N. Y., v. VIII., p. 531.

New York 1st Feb. 1775.

My Lord,

Yesterday I had the Honor to receive your Lordships circular letter of the 10th Dec<sup>r</sup>, with His Matys most gracious speech, and the address's of the Lords & Commons, and your despatches No. 25 of the same date.

The Assembly of this Province which was to meet on the 10th of last month did not make a House till the 13th when I opened the Sessions with a speech which I now take the honor of enclosing to your Lordship. The Councils addresses did not give so much satisfaction even to the people, as that which I received afterwards from the Assembly, I am happy in having it in my power to transmit to your Lordship an address which I am persuaded will give you pleasure to lay before His Majesty and will confirm the favorable opinion he is graciously pleased to entertain of his Subjects in this Province.

Although the address passed in the House my Lord with only one dissentient voice, there is a party in the Assembly of very different principles who I expect will be continually endeavouring to do mischief. Finding a great Majority against them, when the address pass'd, they moved to have a call of the House on the 7th of February, and that the consideration of the weighty business which was before them should be put off to that day. This the House agreed to, and immediately sent out orders for the absent members to attend. However, two Members coming in last week, who were known to be violent in their opposition to Government, a Motion was made that the House should take into consideration the Proceedings of the Congress held at Philadelphia in September last. A warm debate ensued and upon the Previous Question the Motion was rejected by eleven to ten. These ten are my Lord the whole strength of that Party. The nine members which have not yet appeared in the House, it is well known will join the eleven. When they come

<sup>1</sup> N. Y. Assembly Journals, 1766-76, January Sessions, 1775, p. 14.

the Majority will be so great, that I hope the House will not again make so near an escape from a Motion brought by surprize upon them.

( When your Lordship considers that every American Assembly which has met since the Congress was held at Philadelphia, have approved of and adopted the Proceedings of the Congress, and that in those Colonies where the Assembly has not met, the People have in Provincial Congress, or otherwise done the same, the loyalty and firmness of the Assembly of this Province, and of the People in general, will appear in a very striking light. I am persuaded his gracious Majesty, and his Ministers will encourage this good and singular disposition, by such instances of indulgence and favor, as shall be wisely calculated to render most evident the good effects of the conduct of this Province.

*Lieutenant-Governor Colden to the Earl of Dartmouth.*

Col. Hist. N. Y., v. VIII., p. 543.

New York 1st Mar 1775.

My Lord,

I informed your Lordship in my last letter of the 1st of February that the Assembly of this Province had resolved to petition the King &c. The Committee of the House appointed to state the grievances of the Colony, did not report till the latter end of last week. The Report was recommitted to a Committee of the whole House and is to be taken into consideration this day. They have not got their Petition ready to transmit by this Packet. I was informed that the Boston and Quebec Bills were at first rejected in the Committee, as not being any part of the Grievances of this Colony, it seems, however, my Lord, that they were at last brought into the Report, and I am afraid may not now be got rid of in the House.

The Assembly have been very firm in rejecting several attempts to draw them into an approbation of the Proceedings of the Continental Congress. The numbers on the negative side have been nearly two to one. Last week a Motion was made to take the sense of the House on the necessity of appointing Delegates to join the continental Congress in May next, which passed in the negative seventeen to nine.

It is surprizing, my Lord, that notwithstanding the firmness with which the assembly have discountenanced the Measures of the late Congress, and the approbation this part of their conduct has received from a large Majority of their constituents, the non importation association of the Congress is ever rigidly maintained in this Place. The enemys of Government do all they can to propagate an opinion that the Ministry will yet draw back and quiet the Colonies by a Repeal, they constantly hold up the case of the stamp Act, and find this an Argument which influences many friends of the Government to lye bye ; dreading the consequences of making them

selves conspicuous in the Cause should Government again yield. I doubt not they will before long be convinced of the Folly of such expectations. But at present I really think, my Lord, such an opinion has a good deal influenced the measures that have been pursued here, so contrary to the Spirit of our Assembly Votes.

\* \* \* \* \*

Since it was known that our Assembly would not appoint Delegates for the May Congress the mischeivous folks have been very busy at work endeavoring to bring about a Provincial Congress in this Colony; in order by that means to get provincial delegates appointed. They may no doubt get some people to meet, and those may take upon them to act for the whole Province, tho not the twentieth part. I find my Lord many people are apprehensive this business may embroil the Colony in troubles, that have been hitherto kept at a distance.

We have had, My Lord, only one hundred men of the Royal Irish Regiment in this City for several months past, and the King-Fisher Sloop of War in the harbour. The moderate Inhabitants have constantly expressed a wish that we had a more formidable Power in the Place to awe the licentious & encourage the friends of Government convinced that it would be for His Majestys Service, I wrote to Admiral Graves on the 20th ult<sup>o</sup> and suggested to him the utility of sending one of the large ships from Boston to this Place. I mentioned of what consequence it would be to keep the command of Hudsons River which must be passed by the Southern People before they can join the Eastern. The Idea of their really fighting the Kings Troops, is so full of Madness and folly, that one can hardly think seriously of it—yet my Lord a neglect of proper precautions may encourage wild enthusiasts to attempt what they would not otherwise venture upon.

Except the measures that are pursued in support of the non importation association, the people of this Province are in other respects very quiet and shew no inclination to copy the extravagant Plans of their neighbours.

\* \* \* \* \*

*Lieutenant-Governor Colden to the Earl of Dartmouth.*

Col. Hist. N. Y., v. VIII., p. 566.

New York 5 April 1775.

My Lord,

I have received your Ldps commands of the 7th of January No 26 and your circular letter of the 4th of the same month. I have the pleasure to inform your Lordship that the conduct of our Assembly, with respect to the congress proposed to be held at Philadelphia in May, is entirely agreeable to His Majesty's Sentiments as expressed in your circular letter. No person has been appointed by them to attend that Congress, and when it was proposed in the House, the

motion passed in the Negative by a large Majority. The disaffected party are however exerting their utmost influence to obtain an appointment of Delegates by the people. It is not in the power of Government to prevent such measures ; they are supported by individuals in their private characters and do not come within the energy<sup>1</sup> of our Laws. Your Lordship may however be assured that a great part of the people are against appointing Delegates to meet the May Congress, and that their disapprobation will be public. I therefore hope His Majesty will look upon the Majority in the Assembly as speaking the sentiments of their constituents.

When I reflect my Lord upon the event of this Session of Assembly how much the measures pursued have tended to preserve this Government from the dangerous and extravagant Plans which are formed in almost every other Part of the Continent. The moderation, loyalty and affection with which the Assembly have laid their Grievances before His Majesty and Parliament & the hearty disposition they have testified to obtain a permanent reconciliation, I feel a satisfaction which can only be heightened by His Majestys approbation, and the final happy accomplishment of this important business.

\* \* \* \* \*

*Lieutenant-Governor Colden to the Earl of Dartmouth.*

Col. Hist. N. Y., v. VIII., p. 571.

New York May 3d 1775.

My Lord

I have received your Lordships Despatches of the 22d of February and 3d of March, both circular and one private of the last date. Likewise your letter No 28.

In all my correspondence I have studied to give your Lordship an exact Idea of the real situation of the Province, and of the most material transactions of the People. The Accounts which I am now to give will almost entirely destroy the expectations you have had reason to entertain of the conduct which this Province would pursue : yet I am persuaded the Proceedings of our Assembly and other information which I doubt not your Lordship has received, will justify the representations I have made.

The disunion of the Colonies being held up in America, and by many in Britain likewise, as the only thing which could defeat the measures of the congress, the moment that the legislative Body of this Province, deviated from the General Association of the Colonies, and pointed out a different conduct, a design was evidently formed in the other Colonies, to drive the people from acquiescing in the measures of their Assembly, and to force them into the General Plan of Association and Resistance. This design was heartily seconded by many among ourselves. Every species of public and pri

<sup>1</sup> The scope. [Ed.]

vate Resentment was threatened to terrify the Inhabitants of this Province if they continued disunited from the others. The certainty of losing all the Debts due from the other Colonies, which are very considerable and every other argument of private Interest that could influence the Merchants, or any one was industriously circulated. The minds of the people in the city were kept in constant agitation, by Riots and attempts to prevent the Transports from loading here, with stores, Provisions &c for the army. The want of any degree of Resolution in the Magistrates to support the authority of Government in opposition to popular measures, rendered the leaders of the People insolently bold and daring.—The friends of order and Government saw no power, either in the exertion of the Magistrates, or the feeble aid that could be afforded by the very small body of Troops quartered in the city to protect their persons and property from violence and destruction. Several Incidents combined to depress all legal Authority; and to increase the Terror of the Inhabitants, which seemed to vanquish every thought of Resistance to popular Rage. *In this unfortunate situation of the City, the first accounts of an action between the King's Troops and People, near Boston, was published with horrid and aggravating circumstances. The moment of consternation and anxiety was seized. The people were assembled, and that scene of disorder and violence begun, which has entirely prostrated the Powers of Government, and produced an association by which this Province has solemnly united with the others in resisting the Acts of Parliament.*<sup>1</sup> The Gentlemen of His Majesty's council, in support of their advice for proroguing the Assembly to the 7th day of June, having gone into a particular detail of the most material Transactions of the People from the 23d of last month to the present time, I beg your Lordships leave to refer to the extracts of their Minutes. It contains a full description of the present state of the Province, which at this time I think will be most properly laid before you in their own words. Two of the Council have this moment informed me that a copy of the minutes has been shewn to the City Committee, and that they have sent to request that it may be transmitted Home.

The pretence given out for the necessity of shutting up the Custom House, was to prevent the exportation of Provisions, of which it was said all that was in the place would be wanted for the armies of the Colonies. But it is more probable, my Lord, that the real Intention was to strike terror by the boldness of the action. Having effected this purpose and established the absolute Power of the Committee; the Keys of the Custom House have been returned to Mr. Elliott, but at the same time a declaration published that no vessel shall be suffered to clear for Boston or Halifax.

The whole military Force we have in this Province, my Lord, is the King-Fisher sloop of War and 100 men of the Royal Irish Reg-

<sup>1</sup> The Governor's account of the effect in New York of the news of the conflict of Lexington and Concord is here italicised for the convenience of the reader.—*Ed.*



iment commanded by Major Hamilton. This small Body of Troops are quartered in the City Barracks without any kind of Protection but in their arms. Lord Dunmore when in this Governm<sup>t</sup> converted the Fort Barracks into Stables, and dismantled the Fort itself, which before that time was a sufficient security against the attempts of a Mob. The Troops now found the want of this security, and that they were not only a force too small to make any formidable opposition to the violence of the People, but in their situation appeared insufficient to deter the rash designs which were meditated to destroy them, and which there is reason to think would have been attempted, if some of the inhabitants had not supported moderation and wisdom enough to prevent the spilling of Blood.

The Posts between this place and Boston are stopped, as all letters have been opened on the way, and many secretted since the affair of the 19th April. I hope General Gage will employ a Cutter to go between us, as a communication of intelligence may be very necessary.

I inclose a printed Copy of the Association.

*Lieutenant-Governor Colden to the Earl of Dartmouth.*

Col. Hist., v. VIII., p. 579.

New York 7th June 1775.

My Lord,

My Letter to your Lordship No 16 of the 3d of May, and the minute of Council then transmitted, contained a full account of the unhappy confusion and disorder introduced into this Province in consequence of what had happened at Boston on the 19th of April. After those accounts, and every particular circumstance of our situation which your Lordship would be informed of, by the Gentlemen of the Council, and others who went to England in the May Packet,<sup>1</sup> you will not be surprized to hear that congresses and Committees are now established in this Province and are acting with all the confidence and authority of a legal Government. The Provincial Congress of this Province, now sitting, consists of upwards of 100 Members. Except the remote Counties of Tryon, Gloucester and Cumberland, and some districts in Queens County on Long Island, every other part of the Province have sent Deputys. The City Committee

<sup>1</sup> "Thursday last (May 4th) the Harriett Packet, Captain Lee, sailed with the mail for Falmouth; in whom went passengers, the Hon. John Watts and Roger Morris, Esqs., Members of his Majesty's Council for this Province, Isaac Wilkins, Member for the Borough of Westchester, Col. Maunsel, Hon. Stephen Payne-Galway, Esq., one of his Majesty's Council for the Island of Antigua, and lady." (*Gainé's Gazette and Mercury of Monday, May 8th, 1775.*) Mrs. Payne-Galway was Phila, daughter of Brig. Gen. Oliver de Lancey, the elder, and niece of the Hon. John Watts.—*Ed.*

and Sub Committees in the Country places, are likewise kept up ; and that the new Plan of Government may be compleat, for carrying into execution the determinations of the continental and Provincial Congresses, those few places which have not yet appointed their sub Committees are now called upon by the provincial Congress to do it immediately.

The principal matters said to be under consideration in the Congresses are raising money and an army to oppose the Kings Forces, and erecting such Fortifications as may best keep the command of the Country, and obstruct the March of an army. The Congress are well aware, that an attempt to raise money by an immediate assessment upon the People, would give a disgust that might ruin all their measures, and therefore propose to do it by issuing a paper Currency. I am told this measure has been referred by the Continental Congress to the several Provincial Congresses and that the Congress of New York have approved of it, as no doubt all the others will.

\* \* \* \* \*

The Spirit of arming, and military Parade still runs high in the City Several companies are formed who have appointed their own officers, are well armed and cloathed in uniform. The Contagion has not yet spread much in the Country where the people would be very glad to remain quiet, but indefatigable pains are taken to bring the whole Province into one plan of Measures.

It must excite the most poignant sensations of Pain and anxiety, my Lord, in every Breast where the principles of humanity, are not obliterated by the rage of Political Enthusiasm, to see a people thus calmly determine to involve a Country in dreadfull War and desolation ; not even seeming to pay the least attention to a peaceable accomodation tho' benevolently held out to them by their gracious Sovereign and the Parliament. In this gloomy prospect of affairs the friends of Government have received a glimpse of hope upon hearing that Mr Duane a Delegate from New York, has moved in the Continental Congress to introduce a plan of accommodation which produced a warm debate but was carried in favor of the Motion. Any measures, my Lord are to be preferred to those of Hostility. A Negotiation once begun, will give the people time to cool, and feel the consequence of what they have already done, before they become as desperate as are the Eastern Colonies.

I transmit your Lordship Copies of an address made to me by the Committee<sup>1</sup> of New York on the 13th of last month, and of my answer It is evident that the real design of the address, tho' the pretence is different was to take an opportunity of declaring their Sentiments upon the present unhappy controversy.

A direct answer to this tho' the material part of the address, I was well convinced would not be of any use at this time of Delusion. I

<sup>1</sup> The Committee of One Hundred. Their address to Colden at length is in Col. Hist. N. Y., vol. viii., p. 583. [Ed.]

therefore, in opposition to their assertion that all applications from the Colonies have been rejected introduced a short account of the benevolent disposition of His Majesty and the House of Commons as expressed in your Lordships letters and the resolution of that House. The recent instance of Disorder attended to<sup>1</sup> in my answer, was a most scandalous outrage upon Dr Cooper, the president of our College. He narrowly escaped being seized by a Mob, who broke the College Gate open, and would certainly have committed the most violent abuse upon him if he had not happily saved himself by Flight. The Doctor is since gone from this distracted country to England and will give your Lordship a further particular account of the transactions here. The odium excited against him is for his warm attachm<sup>t</sup> to Government and his being a supposed author of almost every piece that was published on that side of the Question. I presume your Lordship is so well acquainted with his Character & Merit that I need not add anything to introduce him to your attention. Mr Rivington the Printer of one of our newspapers was attacked by the same Mob and rescued out of their Hands by the Resolution of one or two friends. He has since taken refuge on Board of the Man of War and will not yet venture to return to his House. His Crime is only the liberty of his Press.<sup>2</sup>

\* \* \* \* \*

His Majesty's Ship Asia come into our Harbor about ten days since. In my letter of March 1st No. 13. I informed your Lordship that I had suggested to Admiral Graves the propriety of sending one of the large ships to this place. He answered that I might expect the Asia here by the 1st of April: I am heartily sorry she was not, for I really think the countenance of that ship would have had a good effect by encouraging some and discouraging others. The friends of Government saw no security for their persons or property but by joining the Multitude.

\* \* \* \* \*

I have considered my Lord, with great attention, the sudden change of Measures, and to all appearance of Sentiments, which has happened in this place, and upon the best judgement I am able to form, it is my opinion, that if the same number of Regular Troops had been here which we have had at all times since the Peace, till now, this change of Measures and Prostration of legal Authority had not happened. And upon the information I have received, I will venture to say, that when even a sufficient Protection appears, it will be found that His Majesty has many true and loyal Subjects who are at present compelled to acquiesce in the Plans of opposition. I have reason to believe that numbers now appear in Arms in the City, who have not the least intention to oppose Governm<sup>t</sup> but will join to support legal Authority when there is an opportunity. I know of one company in particular who have associated to support

<sup>1</sup> Sic in original, probably a misprint for "alluded to." *Ed.*

<sup>2</sup> See the author's account of these transactions, Vol. I., pp. 59-61, and 65-67.

Government, but for the present appear and parade as others do. The association mentioned in the minute of Council to which I have already referred was signed by many Hands during the first impulses of Confusion and Despair; but that having subsided, the spirit of signing has very much abated. I am told only 1800 have signed in the City of New York. There must be at least three times that number who have an equal Right to sign. The Congress have lately directed a fresh application to be made to every Man throughout the Province who has not signed and the names of those who do not sign to be returned to them by the 15th July.

As it is not possible for me my lord, in our present situation to obtain regular intelligence—I am obliged to mention such reports of matters of no consequence, as I have any reason to believe true. Of this kind is a Report that a body of 2500 Connecticut men are encamping at Greenwich, a place in that Government about 40 miles distant from New York City, the declared purpose of this army is to keep this Government in awe, and prevent any defection here from the general Plan of Measures; and assist if necessary, in opposing the measures of Government.<sup>1</sup>

In my letter to your Lordship No. 16 I mentioned the very disagreeable & critical situation of the Few Troops who were quartered in the Barracks of this Place and that only by the interposition of the more prudent Inhabitants, they were suffered to remain in Peace. No Pains however were spared to debauch the men and induce them to desert. Large Rewards and certain Protection they were assured of; which had such effect that the officers began at last to apprehend they were in danger of loosing the whole. In this situation General Gage wrote to Major Hamilton, by the Asia, that he thought it would be a proper means to put the Troops under his command on Board of that Ship, and desired him to consult with me upon it. As I was very sensible this small number of Troops could not be of any use in the Barracks, and were exposed to those very disagreeable circumstances I have already mentioned, I did not doubt of the propriety of the Measure proposed by Gen Gage, a difficulty however arose on account of the women and Children, who were too numerous to be taken on Board with the men, almost the whole that belong to the Regiment being in the Barracks here with this detachment. This occasioned a delay of eight or ten days in which time several soldiers deserted. We at length thought of encamping the Women and Children on what is called the Governor's Island, till they could be otherwise taken care of, and yesterday was fixed for embarking the Troops on Board the Asia. The Provincial Congress had notice, that some people proposed to stop the embarkation upon which they published a hand Bill advertiseing the People by no means to molest the Troops, or interrupt them in their design. They likewise appointed a number of their members to join the City Magistrates and assist them in preventing any interruption to the Troops. As

<sup>1</sup> These were under General Wooster as Commander. [Ed.]

soon as the Troops marched from the Barracks, several People began to harangue them, exhorting them to desert, and assuring them of sufficient Protection. Two or three fellows had the hardiness to turn off with their arms, from the Ranks, and were immediately carried away by the People, when the Troops got upon the Deck<sup>1</sup> where they were to embark on board of Boats, the Carts following in the rear with their Baggage, were stopp<sup>d</sup> and in the Face of the Mayor, Aldermen, Congress and Committee men, turn'd about by a few desperate fellows, carried to a Place in Town, where they opened the Baggage, and took out a number of spare arms and all the ammunition belonging to the Detachment. The Troops embark<sup>d</sup> without their Baggage.

This violent outrage has much alarmed the Inhabitants, and many of the Congress and Committee Men themselves, who did not expect that their authority would meet with a public contempt, which demonstrated how inadequate they were to the Government or Protection of the People. Yesterday made it sufficiently evident that a people encouraged to trample on Magistrates and legal authority, will not be governed by anything but their own wild and dangerous Passions. \* \* \* \*

*Earl of Dartmouth to Governor Tryon.*

Col. Hist., v. VIII., p. 587.

Whitehall, 1st July 1775.

Sir

The Proceedings at New York upon the first Intelligence of what had passed on the 19th of April in Massachusetts Bay, are of a most extraordinary and alarming Nature, for as, on the one hand, the acts of Violence committed and the Powers assumed by the Populace are (as the Council truly state) a Prostration of all Government, so, on the other hand, the advice of that council in consequence thereof, that General Gage should be told, that unless he desisted from all measures of Irritation, or, in other words laid down his arms, no Reconciliation could be expected is in effect no less a Prostration of the authority of this Kingdom to the unwarrantable claims and Pretensions of America.

It is hoped however that this advice proceeded from their Timidity in consequence of the consternation they were thrown into by the Intelligence of an event untruly and unfairly related and His Majesty receiving it in that light, is graciously pleased to excuse a conduct which if it had proceeded from other motives must have been considered as an insult to the Kings dignity, more especially after the fullest assurances had been given to His Majestys firm Resolution to maintain the constitution and after both Houses of Parliament had in their joint address pledged themselves to support his Majesty at the hazard of their lives and Fortunes against the Rebellious Attempts of His Subjects in Massachusetts Bay. \* \* \* \*

<sup>1</sup> Sic in original, a misprint for "Dock."

In our present state of uncertainty, anxiously awaiting further advices from America, I have nothing to add but this single reflection ; that however desirable Reconciliation with America may be, it must not be sought for on the ground of a submission of the authority of Great Britain to their pretentions, but can only be found to that authority, which as it can never be exerted but for the common good, obedience to it is and must be that Bond of peace and unity upon which the dignity and serenity of the Empire are to depend.

*Governor Tryon to the Earl of Dartmouth.*

Col. Hist., v. VIII., p. 598.

New York 7th Aug. 1775.

\* \* \* \* \*

From the Military Manœuvres and preparation already made and making, the complexion of the declared original cause of contention between Great Britain and the Colonies seems to have undergone an entire change. The Americans appear to have lost sight of first principles & first causes, and have gone on to adopt measures & prosecute Plans of the most determin'd opposition and resistance, and I fear are fatally abandoned to the Resolution of hazarding every thing rather than to submit to the principle of Parliamentry Taxation. Unhappily therefore, my Lord constrain'd to adhere to my former sentiments on this subject, I would with the greatest deference submit it to the wisdom and Beneficence of His Majesty and His Ministers whether it might not be expedient in compassion to the unhappy prejudices of opinion and wild delusion of His Majestys American subjects to hold forth some further conciliatory measures and also to grant a Repeal of the duties on Tea. It would be removing the original ostensible cause of discontent and greatly abate the early prejudices among the Populace and Peasantry of this Province. Five or six thousand or more, Regulars being then sent to New York, supported by three or four regiments of Americans which I am confident might then be raised in this Province & the Jerseys, the authority of His Majestys Government, now entirely prostrate though the Colonies might at least be reinstated in this. The influence of Committees and Congresses receive a check and a body of the People brought to sense of duty and allegiance.

*Governor Tryon to the Earl of Dartmouth.*

Col. Hist., v. VIII., p. 603.

New York Aug<sup>t</sup> 7th 1775.

[CONFIDENTIAL.]

My Lord

Tho' your Lordship must from all Quarters be informed of the

revolted and hostile State of America you may not possibly be acquainted how far some of those who now exercise the usurped Powers of Government evidently mean to pursue their dangerous designs. Independency is shooting from the root of the present contest ; it is confidently said if Great Britain does not within six months adopt some new plan of accommodation the Colonies will be severed from her, as to any system of solid and general Union ; that the standard of Freedom and independency may be erected on this Continent, when all those who have not taken an active part in the Commotions (tho inimical to the principles of Parliamentary taxation) will fall a sacrifice to the resentment of their Rulers, and their Estates confiscated to defray in part the expence of the civil War. At the same Period it is believed the Ports of America will be declared free, and the Powers of Europe invited to Guarantee the Independency of the Colonies. It is also whispered, propositions have been made for that purpose, and that a French officer of distinction was at Philadelphia a few weeks ago on some important embassy. Large supplies of Ordnance, arms and ammunition have been procured from Hispaniola and Martinico. Calamitous as this conduct must prove to the confederate Colonies. The chief Rulers seem determined to drive on their measures, I should however do great injustice to America ; were I to hold up an idea, that the Bulk of its inhabitants wishes an Independency. I am satisfied (not to answer for our Eastern neighbours) a very large majority particularly in this Province are utter enemies to such a principle but the Great Affliction is, the American friends of Government in general consider themselves between Scylla and Charybdis, that is the dread of Parliamentary Taxation and the Tyranny of their present Masters. Could the first principle be moved out of the way His Majesty would probably see America put on a less determin'd complexion notwithstanding sharp Struggles I believe would be made against the operation of some British Statutes extended to America, yet many would be drawn from the confederacy to the support of Governm<sup>t</sup>.

Should the principles of Governm<sup>t</sup> now overturned, not be soon reestablished but the present internal convulsions be carried to the extremities suggested, it may be a question on what foundation the future settlement of North America may rest ; unhappily at present I am without any public line to walk on ; That some plan may be fixed for settling this melancholy contention must be the ardent wish of every friend of humanity.

I am with all due respect

My Lord

Your Lordship's

Most obed<sup>t</sup> humble Servant

WM TRYON.

## NOTE XVIII.

THE NEW YORK "ASSOCIATION" DRAWN BY JAMES DUANE,  
JOHN JAY, AND PETER VAN SCHAAK, AND THE SIGN-  
ING OF IT.

*Volume I., pages 41-43.*

IN Rivington's Gazetteer of May 4, 1775, the signing of the "Association," the particulars of which are so fully given in the text, is merely described in these few words :

"April 29—The following association was set on foot in New York to-day, and Signed by about one thousand of the principal inhabitants. It is to be transmitted through all the counties in the Province, where we make no doubt it will be signed by all ranks of people."

The quotation from the Association, given in the text, is erroneous, the author evidently writing from memory, though its tenor is rightly stated. The document in full is as follows :

*From Journals of the Provincial Congress, vol. 1, p. 5.*

New York April 29th, 1775

*A General Association, agreed to, and subscribed, by the Freeholders, Freemen, and Inhabitants, of the city and county of New York.*

Persuaded that the salvation of the rights and liberties of America depends, under God, on the firm union of its inhabitants, in a vigorous prosecution of the Measures necessary for its Safety ; and convinced of the necessity of preventing the anarchy and confusion on which attend a dissolution of the powers of Government : We the free-men, freeholders, and inhabitants, of the City and County of New York being greatly alarmed at the avowed design of the Ministry to raise a revenue in America ; and shocked by the bloody Scene now acting in Massachusetts Bay, do, in the most solemn manner, resolve, never to become Slaves ; and do associate under all the ties of religion, honor, and love to our country, to adopt, and endeavour to carry into execution whatever Measures may be recommended by the Continental Congress, or resolved upon by our Provincial Convention for the purpose of preserving our constitution, and



opposing the execution of the several arbitrary and oppressive acts of the British Parliament, until a reconciliation between Great Britain and America, (which we most ardently desire) can be obtained: And that we will in all things follow the advice of our General Committee, respecting the purposes aforesaid, the preservation of peace, and good order, and the safety of individual and private property.

*Dated in New York, April and May 1775.*

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## NOTE XIX.

### PROCEEDINGS OF THE LAST ASSEMBLY OF THE PROVINCE OF NEW YORK, JANUARY 10TH TO APRIL 3D, 1775, AND ITS MEASURES OF REDRESS FOR THE GRIEVANCES OF AMERICA.

*Volume I., page 36.*

THE last Assembly of the Province of New York met on the 4th of April, 1769, and sat till the 3d of April, 1775, when it was prorogued to the 3d of May following, and, by successive prorogations, to the 17th of April, 1776, which was the last. It never sat again. John Cruger, Mayor of New York, was the Speaker.

Its members, twenty-seven in number, were :

John Cruger, <sup>1</sup>	}	for the City and County of New York.
James De Lancey, <sup>2</sup>		
Jacob Walton, <sup>3</sup>		
James Jauncey, <sup>4</sup>		
Jacob H. Ten Eyck, <sup>5</sup>	}	for the City and County of Albany.
Col. Philip Schuyler, <sup>6</sup>		

<sup>1</sup> Mayor of New York.

<sup>2</sup> Head of that family and party, eldest son of the late Gov. James De Lancey, and brother-in-law of Gov. John Penn, of Pennsylvania.

<sup>3</sup> Brother of William, nephew of Speaker Cruger.

<sup>4</sup> Father to the Council Member of the same name.

<sup>5</sup> Son of the Sheriff of Albany, and Justice of the Peace in that city.

<sup>6</sup> Colonel of the militia of Albany, subsequently appointed General by Congress.

<sup>7</sup> Clerk of Kings County.

Simon Boerum, <sup>7</sup>	}	for Kings.
John Rapelje, <sup>8</sup>		
C. 1. 1. 1. Zebulon Seaman, <sup>9</sup>	}	for Queens.
Daniel Kissam, <sup>10</sup>		
William Nicoll, <sup>11</sup>	}	for Suffolk.
Nathaniel Woodhull, <sup>12</sup>		
Benjamin Seaman, <sup>13</sup>	}	for Richmond.
Christopher Billopp, <sup>14</sup>		
John Thomas, <sup>15</sup>	}	for Westchester.
Frederick Philipse, <sup>16</sup>		
Leonard van Kleeck, <sup>17</sup>	}	for Dutchess.
Dirk Brinckerhoff, <sup>18</sup>		
Charles De Witt, <sup>19</sup>	}	for Ulster.
George Clinton, <sup>20</sup>		
John De Noyelles, <sup>21</sup>	}	Orange.
Samuel Gale, <sup>22</sup>		
Lewis Morris, <sup>23</sup>		Borough of Westchester.
Jacobus Minderse, <sup>24</sup>		Township of Schenectady.
Abraham Ten Broeck, <sup>25</sup>		Manor of Rensselaerwyck.
Philip Livingston, <sup>26</sup>		Manor of Livingston.
Pierre von Cortlandt, <sup>27</sup>		Manor of Cortlandt.

<sup>7</sup> Colonel of the militia of Kings County.

<sup>8</sup> Captain of militia, and a farmer.

<sup>9</sup> Farmer, and a Justice of the Peace.

<sup>10</sup> Grandson of Matthias, the first Secretary appointed at the capture of New York in 1664, a lawyer.

<sup>11</sup> Judge of Common Pleas and Col. of the militia of the County, afterwards General.

<sup>12</sup> A merchant, and Judge of the County.

<sup>13</sup> Colonel of County militia, and a son-in-law of Seaman.

<sup>14</sup> Judge of the County Court, afterwards General.

<sup>15</sup> Third Lord of the Manor of Philipsburgh.

<sup>16</sup> Colonel of militia, and a merchant.

<sup>17</sup> Colonel of militia, and a merchant.

<sup>18</sup> Of the old De Witt family, a farmer.

<sup>19</sup> Lawyer, Clerk of the County, afterwards Governor of N. Y.

<sup>20</sup> A Huguenot gentleman. He died in 1775, and John Coe, Judge of the County, was elected in his place in February, 1775, and took his seat on the 17th of that month.

<sup>21</sup> Major of militia, and tavern keeper, of Goshen.

<sup>22</sup> Of Morrisania.

<sup>23</sup> A farmer of Schenectady.

<sup>24</sup> Uncle and Guardian of Stephen van Rensselaer, then a minor, Lord of the Manor of Rensselaerwyck.

<sup>25</sup> Brother of Robert, third Lord of the Manor of Livingston.

<sup>26</sup> Son of Philip van Cortlandt and Catherine de Peyster, and Uncle of Philip van Cortlandt, the head of that family at this period. He was afterwards first Lt.-Gov. of the State of New York.

The following proceedings, showing the whole political action in 1775, and the leading men, and measures, of that crisis on each side of the controversy, are here reproduced from the "JOURNAL OF THE VOTES AND PROCEEDINGS OF THE GENERAL ASSEMBLY OF THE COLONY OF NEW YORK, FROM 1766 TO 1776, INCLUSIVE," on account of the excessive rarity of that volume, *fifty copies only* having been originally printed by the State in 1820, not one-half of which, it is believed, are now extant. No copy is to be found, it is believed, in any of the present public libraries of New York, except that of the New York Historical Society, and in those of the State, and of the Senate and Assembly, at Albany, and many writers are ignorant of its very existence.

To *Aaron Clark*, Clerk of the Assembly in 1820, the eternal thanks of all historical students, and the people of New York, are due for the printing of the fifty copies, which were ordered by a joint resolution of the Senate and Assembly passed, in the latter, March 31st, and in the former, April 3d, 1820, in consequence of the following memorial presented by him to those bodies on March 7th, 1820, and now prefixed to the volume :

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW YORK, IN SENATE AND ASSEMBLY CONVENED.

The Subscriber having heretofore endeavoured, as well by visits, as by letter, to several of this State, to obtain a copy, or part of a copy, of the journals of the Assembly of the Colony of New-York, from 1766 to 1776, found all efforts unsuccessful until the last autumn, when I applied to John McKesson Esq. of New-York, the nephew of the former Clerk of the Assembly, of the same name. He informed me that John McKesson Esq. formerly Clerk as aforesaid, at the time of his death was possessed of an almost perfect series for the said period of ten years, so far as any journal was kept ; and that he, the said nephew, had presented them to the New-York Historical Society : and that he did not believe that another volume like it, could be collected in this state. I accordingly applied to a committee of the New-York Historical Society, who have very politely loaned the same to me, as the agent of the Assembly.

As it is the only journal, and almost the only history deserving of credit, for those ten years of conflict and confusion, immediately preceding the Revolutionary War, I humbly submit to the honorable the legislature the expediency of directing the printing a few copies of it,

as one single accident might destroy this copy belonging to said Society. And moreover, it is often called for in the legislature, as a book of reference, but of course cannot be found.

The clerks of the Senate and Assembly will superintend the printing free of expense.

AARON CLARK.

March 7, 1820.

These Journals were originally issued in thin, small folio, pamphlets, immediately on the adjournment of every session of the Assembly, each paged, of course, by itself, and the volume consists of an exact reprint of these pamphlets, bound together. The original volume loaned to be reprinted as above stated, was *never returned to the New York Historical Society*, to which, if in existence, it now belongs. All the names of members voting are given in the volume, but to save space here, only the respective numbers on each vote are here given, except in the most important cases, where the names are also inserted.

The Session of 1775 began on the tenth of January, and by the thirteenth, a quorum, fifteen members, having arrived, Governor Colden opened the session with the usual speech to both houses. The part of the speech addressed to the Assembly is in these words :

*Gentlemen of the General Assembly,*

We cannot sufficiently lament the present disordered state of the Colonies. The dispute between Great Britain and her American dominions is now brought to the most alarming crisis, and fills every humane breast with the deepest affliction. It is to you, gentlemen, in this anxious Moment, that your country looks up for counsel and on you it in a great measure depends to rescue her from evils of the most ruinous tendency. Exert yourselves then with the firmness becoming your important office. If your constituents are discontented and apprehensive, examine their complaints with calmness and deliberation, and determine on them with an honest impartiality. If you find them to be well grounded, pursue the means of redress which the constitution has pointed out : Supplicate the throne and our most gracious Sovereign will hear and relieve you with paternal tenderness. But I entreat you as you regard the happiness of your country, to discountenance every measure which may increase our distress ; and anxious for the re-establishment of harmony with that

power with which you are connected by the ties of blood, religion, interest, and duty, prove yourselves, by your conduct on this occasion, earnestly solicitous for a cordial and permanent reconciliation."

On Tuesday, the 18th of January, Mr. De Lancey, from the committee appointed to prepare the draught of an address, in reply, reported his draught, when the discussion took place and the draught was adopted, by a vote of seventeen to one, as stated on page 492 preceding. This was the first political movement of the session. The statement in the text, page 36, that Philip Schuyler moved for the approval of the proceedings of the Continental Congress, is incorrect. It was Abraham Ten Broeck. Schuyler was very active later in the session, as the record shows.

The Second movement was a motion of Col. Ten Broeck, on January 26th :

"That this house take into consideration the proceedings of the Continental Congress held in the city of Philadelphia, in the months of September and October last.

Whereupon Col. Philipse moved that the previous question be first put, whether the question on Col. Ten Broeck's Motion be now put? Upon which debates arose, and the said previous question being accordingly put, it was carried in the negative," by a vote of eleven to ten.

On the 27th of January the Speaker presented the resolutions of the Assembly of New Jersey, approving the proceedings of the Congress at Philadelphia. This was followed, on the 31st of January, by motions, made by Col. P. Livingston, and Mr. De Lancey ; Mr. Livingston said :

"Mr. Speaker—

I move that a day be appointed to take the State of this Colony into consideration, to enter such resolutions as the house may agree to on their journals ; and in consequence of such resolutions to prepare a humble, firm, dutiful, and loyal, petition to our most gracious Sovereign.

On the question, whether the house agreed to the said motion? It passed in the affirmative, *nemine contradicente*.

And then a motion of Mr. De Lancey, in these words, viz :

Mr. Speaker,

I move that a memorial to the Lords, and representation and

remonstrance to the Commons of Great Britain may be prepared together with the petition to his Majesty.

On the question whether the house agree to said motion? It passed in the affirmative *nemine contradicente*.

*Ordered*

That Mr. De Lancey, Col. Schuyler, Mr. Clinton, Mr. Brinckerhoff, Mr. Gale, Mr. Wilkins, Mr. Brush, Mr. Kissam, and Mr. Nicoll, or the major part of them be a Committee to prepare a state<sup>1</sup> of the grievances of this Colony, and report the same to this house on the 7th day of February next.

On Friday, the 7th, all business was adjourned to Friday, the 17th of February, 1775.

On the 16th of February, however, a day beforehand, a motion was made by Col. Schuyler in these words :

I move that a certain letter, dated Hartford June 4, 1774, directed, Honorable John Cruger, Esq., James De Lancey, James Jauncey, &c Esqr's. committee of correspondence, New York, and subscribed by Silas Deane, in behalf of, and per order of, the committee of correspondence, Connecticut. And also a certain letter enclosed within the foregoing, dated Hartford June 3, 1774 ; together with the copy of a letter dated New York, June 24, 1774, directed to the committee of correspondence of the colony of Connecticut and Subscribed by John Cruger, Frederick Philipse, James De Lancey, (~~&~~ *the other members of the New York Com. of Correspondence*). And also a letter (from the same New York Committee of Correspondence) dated September 5, 1774, to Edmund Burke, Esq. agent of this Colony at the court of Great Britain, be forthwith entered on the journals of this house, and that the Clerk of this house be ordered to deliver copies of the same to the printer of this colony, that they may be by him inserted in the public newspapers.

And debates arising upon the said motion, it was carried in the negative Sixteen to Nine.

The next day, the 17th of February, 1775,

"A motion was made by Col. Woodhull in the words following, viz.

"Mr. Speaker,

I move that the thanks of this house be given to Philip Livingston, Isaac Low, John Jay, John Alsop, James Duane, Simon Boerum, William Floyd, and Henry Wisner, Esqrs. for their faithful and judicious discharge of the trust reposed in them by the good people of this Colony, at the continental congress held at Philadelphia in the Months of September and October last.

<sup>1</sup> *Sic* in original, the word "state" is used for "statement" throughout the Journals.

And debates arising on the said motion, and the question being put thereon, it was carried in the negative in manner following, viz.

For the Negative.		For the Affirmative
Mr. Walton,	Mr. Wilkins,	Mr. Clinton,
Mr. Ten Eyck,	Mr. Van Kleeck,	Mr. Thomas,
Mr. Jauncey,	Col. Wells,	Mr. Brinckerhoff,
Col. Seaman,	Mr. Brush,	Mr. De Witt,
Mr. Gale,	Mr. Billopp,	Col. Woodhull,
Mr. Rapelje,	Mr. Kissam,	Col. Schuyler,
Mr. Nicoll,	Mr. De Lancey.	Col. Ten Broeck,
Col. Philipse,		Capt. Seaman,
		Col. P. Livingston.

Mr. Boerum, on request, being excused in voting on the above motion, he having been one of the Delegates."

On the 21st February, 1775,

"A Motion was made by Col. P. Livingston in the words following, viz.

Mr. Speaker ;

I move that the thanks of this house be given to the Merchants and inhabitants of this city and Colony, for their repeated, disinterested, public spirited, and patriotic conduct, in declining the importation or receiving of goods from Great Britain, and for their firm adherence to the association entered into, and recommended by the Grand Continental Congress, held at Philadelphia, in the Months of September and October last ; and that the Speaker signify the same to the President of the Chamber of Commerce in this city, at their next Meeting, and order a copy of the same to be published in the public prints.

And debates arising on the said motion it was carried in the negative, by a vote of fifteen to ten.

On the 23d Feb., 1775,

Mr. Brush, from the Committee appointed by this house on the 31st ultimo, to prepare a state of the grievances of this Colony, reported, that he was directed by the said Committee to the house, that they had prepared a state accordingly ; which he read in his place, and afterwards delivered it in at the table, where the same was again read, and thereupon it was

*Resolved*

That the said state of the grievances of this colony be referred to the consideration of a committee of the whole house, and be proceeded on by said Committee on Wednesday next. (*the 3d of March.*)

"A Motion was made by Mr. Thomas, in the words following, viz.

Mr. Speaker.

I move that the sense of this house be taken on the necessity of appointing delegates for this Colony, to meet the delegates for the other Colonies on this continent, in General congress on the 10th day of May next.

And debates arising on this motion, it was carried in the negative," seventeen to nine.

On the 1st March, 1775,

The order of the day being read the house resolved itself into a Committee of the whole house upon the report of the committee appointed to prepare a state of the grievances of this colony : and after some time spent therein, Mr. Speaker resumed the chair, and Col. Seaman reported that he was directed to report to the house, that they had made some progress therein, and asked leave to sit again. Which report he read in his place and afterward delivered it in at the table, where the same was again read, and thereupon it was,

*Resolved*

That this house will again to-morrow resolve itself into a committee of the whole house, to proceed to the further consideration of the said report.

On the 3d March, 1775,

The order of the day being read, the house resolved itself into a committee of the whole house, upon the report of the committee appointed to prepare a state of the grievances of this colony : Which report is in the words following, viz.

*Resolved,*

That it is the opinion of this committee, that the act of 6th Geo. 3d. chap. 12, entitled "an act for the better securing the dependency of his Majesty's dominions in America, upon the Crown and Parliament of Great Britain ; declaring the right of Parliament to bind the colonies in all cases whatsoever ; is a grievance.

A motion was then made by Col. Schuyler, in the words following, viz.

Mr. Chairman,

I move that the act of 4th Geo. 3d. chap. 15, so far as it imposes duties for the purpose of raising a revenue in America—extends the admiralty courts beyond their ancient limits—deprives his Majesty's American subjects of trial by jury—authorises the judges' certificates to indemnify the prosecutor from damages which he might otherwise be liable to—and holds up an injurious discrimination between the subjects in Great Britain and those in America ; is a grievance.

Mr. De Lancey then moved, that the previous question be first



put, whether the question upon that part of Col. Schuyler's motion, which is comprehended in the following words, that is to say, "So far as it imposes duties for the purpose of raising a revenue in America," be now put? and debates arising thereon, and the said previous question being accordingly put, it was carried in the affirmative, in manner following, viz.

For the Affirmative.		For the Negative.
Col. Schuyler,	Mr. Clinton,	Mr. De Lancey,
Mr. Brinckerhoff,	Mr. Billopp,	Mr. Wilkins.
Mr. Gale,	Mr. Nicoll.	
Mr. Kissam,		

The question being then put on Col. Schuyler's motion, it was carried in the affirmative; and thereupon it was

2d, *Resolved*,

That it is the opinion of this committee, that the aforesaid act of 4th George 3d, chap. 15, so far as it imposes duties for the purpose of raising a revenue in America,—extends the admiralty courts beyond their ancient limits,—deprives his Majesty's American subjects of trial by jury,—authorizes the judges' certificates to indemnify the prosecutor from damages that he might otherwise be liable to, and holds up an injurious discrimination between the subjects in Great Britain and those in America; is a grievance.

Mr. De Lancey then made a motion in the words following, viz.

Mr. Chairman,

I move that the opinion of this committee be taken, whether his Majesty, and the Parliament of Great Britain, have a right to regulate the trade of the colonies, and to lay duties on articles that are imported directly into the colonies, from any foreign country or plantation which may interfere with the products or manufactures of Great Britain, or any other part of his Majesty's dominions?

Mr. Clinton then moved that the previous question be first put, whether the question upon Mr. De Lancey's motion be now put? And debates arising thereon, and the said previous question being accordingly put, it was carried in the affirmative, in manner following, viz.

For the Affirmative.		For the Negative.
Mr. Billopp,	Mr. Nicoll,	Col. Schuyler,
Mr. Wilkins,	Mr. Rapalje,	Mr. Clinton.
Mr. Gale,	Mr. Brinckerhoff,	
Mr. Kissam,	Mr. De Lancey.	

The question being then accordingly put on Mr. De Lancey's motion, it was carried in the affirmative; and thereupon it was,

3d, *Resolved*,

That it is the opinion of this committee, that his Majesty, and the Parliament of Great Britain, have a right to regulate the trade of

the colonies, and to lay duties on articles that are imported directly into this colony from any foreign country or plantation, which may interfere with the products or manufactures of Great Britain, or any other parts of his Majesty's dominions.

Col. Schuyler then made a motion in the following words, viz.

Mr. Chairman,

I move the following, in addition to the preceeding resolution, to wit, "excluding every idea of taxation, internal or external, for the purpose of raising a revenue on the subjects in America, without their consent."

Mr. Billopp then moved that the previous question be first put, whether the question upon the said motion be now put? And debates arising thereon, and the said previous question being accordingly put, it was carried in the negative, in manner following, viz.

For the Negative.

Mr. Nicoll, Mr. Rapalje,  
Mr. Kissam, Mr. Billopp,  
Mr. Gale, Mr. Delancey.  
Mr. Wilkins,

For the Affirmative.

Col. Schuyler,  
Mr. Clinton,  
Mr. Brinckerhoff.

The act of 3d Geo. 3d, chap. 22, section 8th, being read, and debates arising thereon, the question was put, whether the sum directed therein to be given as security by claimants of vessels, is a grievance? The same passed in the affirmative, in manner following, viz.

For the Affirmative.

Mr. De Lancey, Mr. Nicoll,  
Mr. Gale, Mr. Rapalje,  
Mr. Kissam, Mr. Wilkins.  
Mr. Billopp,

For the Negative.

Mr. Clinton,  
Col. Schuyler,  
Mr. Brinckerhoff.

4th, *Resolved therefore,*

That it is the opinion of this committee, that the sum directed in the said last mentioned act to be given as security by claimants of vessels, is not a grievance.

5th, *Resolved,*

That it is the opinion of this committee, that the ninth section of said last mentioned act, giving the courts of admiralty a concurrent jurisdiction with the courts of common law in causes arising within the body of a county, and thereby leaving it in the power of the prosecutor to deprive the subject of a trial by jury of the vicinage; and the act of 8th Geo. 3d, Chap. 22d, giving similar powers to courts of vice admiralty; are grievances.

6th, *Resolved,*

That it is the opinion of this committee, that the act of 4th Geo. 3d, Chap. 34, is a grievance, inasmuch as it prohibits the legislature of this colony from passing any law for the emission of a paper cur-

rency to be a legal tender within the colony, so advantageous to the growth and comierce of this colony ; the want whereof might, in a great measure, disable his Majesty's subjects here, upon proper requisition, from granting such aids as may be necessary for the general weal and safety of the British empire.

*7th, Resolved,*

That it is the opinion of this committee, that the act of 6th Geo. 3d, Chap. 52, so far as the same lays a duty on molasses, and sirrups ; on coffee, and pimento of the growth and produce of any British colony or plantation in America, which shall be imported or brought from thence into any other British colony or plantation in America ; is a grievance.

*8th, Resolved,*

That it is the opinion of this committee, that the act of 7th Geo. 3d, Chap. 46, raising a revenue for making provision for defraying the charge of the administration of justice, and the support of civil government, is a grievance ; as it lays a duty on tea, which is a commodity we are obliged to get from England, and prohibited from importing from any other place ; as it raises a revenue for the support of government, and the administration of justice in the colonies, independent of the people ; is contrary to, and a revocation of that system of rights and privileges on which the government of the colonies hath been established ; as it deprives the legislatures of the colonies of that check and control upon the servants of the public, which the parliament hath in Great Britain, and deprives the subjects in the colonies of the rights and privileges which they always, before the passing that act, have been esteemed entitled to, and, of right, enjoy, equal with the people of Great Britain.

*9th, Resolved,*

That it is the opinion of this committee, that the act of 7th Geo. 3d, chap. 59, requiring the legislature of this colony to provide for the services therein mentioned, without application made to the representatives of the people of this colony in General Assembly, and holding up by any other acts a suspension of the legislative powers of this colony, until such requisition be complied with, is a grievance, dangerous to the rights of his Majesty's subjects in this colony.

*10th, Resolved,*

That it is the opinion of this committee, that the acts of 12th Geo. 3d, chap. 24, entitled "an act for the better securing and preserving his Majesty's dock yards, magazines, ships, ammunition and stores," as it deprives the American subject of a trial by a jury of the vicinage, and authorises the trial of persons charged with committing certain offences out of the realm, in any shire or county within the realm, is dangerous to the lives and liberties of the subject.

*11th, Resolved,*

That it is the opinion of this committee, that the construction of the statute of 35th Henry 8th, chap. 2, as held up by both houses of

Parliament, in their address to his Majesty, in the ninth year of his reign, recommending the issuing a special commission for inquiring of treasons, and misprison of treasons, committed in the province of Massachusetts Bay, in order to have the offenders, if any there were, tried in Great Britain, is a grievance.

12th, *Resolved,*

That it is the opinion of this committee, that the statute of 14th Geo. 3d, chap. 88, so far as it imposes duties upon certain articles of merchandize imported into the province of Quebec, (which by another statute of the same year, Chap. 83, is so extended as to comprehend all the Indian country from Hudson's Bay, to the mouth of the river Ohio) is a grievance; as by the said statutes the grand commerce formerly carried on from this colony, with the numerous Indian natives, is, in a great measure, destroyed; and by which the beneficial and useful intercourse with them is almost entirely cut off, as the only place by which the dutied articles may be imported into the said province is restricted to the port of St. John's, on the river Sorel, which is so extremely remote from the other colonies, that the carrying of goods to be entered there, to prosecute the Indian trade, must necessarily be attended with such a heavy expense, as to amount to a total prohibition. That the discrimination made in the said statute of 14th Geo. 3d, chap. 88, in favor of the sugar colonies, by subjecting the continental colonies to a larger duty on the dutied articles; is a grievance. And that the said statute of 14th Geo. 3, Chap. 83, so far as it may be construed to establish the Roman Catholic religion in the province of Quebec, so extended; is a grievance.

The act of 14th Geo. 3d, entitled, "an act to discontinue in such manner and for such time as are therein mentioned, the landing and discharging, lading or shipping of goods, wares or merchandize, at the town and within the harbor of Boston, in the province of Massachusetts Bay, in North America;" being read, and debates arising thereon, and the question being put whether the same is a grievance that affects this colony? it was carried in the affirmative, in manner following, viz.

For the Affirmative, 6.

For the Negative, 4.

13th, *Resolved therefore,*

That it is the opinion of this committee, that the last mentioned act is a grievance. Mr. Nicoll, Mr. Kissam and Mr. Rapalje conceive the above act to be a grievance, so far as the same affects the trade of this colony.

14th, *Resolved,*

That the act of 14th Geo. 3d, chap. 39, entitled "an act for the impartial administration of justice in the cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults in the province of the Massachusetts Bay, in New-England," so far as the same may establish a dangerous precedent in America; is a grievance.

The act of 14th Geo. 3d, chap. 45, entitled "an act for the better regulating the government of the province of the Massachusetts Bay, in New-England ; being read, the question was put, whether the same is a grievance ? And debates arising thereon, it was carried in the affirmative, in manner following, viz.

For the Affirmative, 6. For the Negative, 4.

15th, *Resolved therefore,*

That it is the opinion of this committee, that the last mentioned act is a grievance.

Mr. Nicoll, Mr. Kissam and Mr. Gale, conceive that the aforesaid act, so far as the same may form a precedent for altering or taking away charter rights granted to the subject in America, contrary to the ordinary course of law, is a grievance.

After some time spent thereon, and having gone through the same, Mr. Speaker took the chair, and Col. Seaman reported, that he was directed to make the following report to the house, to wit.

That after reading the report in the committee, and upon reading it again, paragraph by paragraph ; on the questions upon the first and second resolutions, severally, whether they agreed to the same ? they passed in the affirmative.

That he then read the third resolution ; upon which debates arose, and the question having been put thereon, it passed in the affirmative, in manner following, viz.

For the Affirmative, 15. For the Negative, 10.

That he next read Col. Schuyler's motion for the following addition to the said third resolution, to wit : " Excluding every idea of "taxation, internal or external, for the purpose of raising a revenue "on the subjects in America, without their consent." On the question, whether they agreed to the said addition ? Debates arose, the committee divided, and it passed in the affirmative, in manner following, viz.

For the Affirmative, 14. For the Negative, 11.

*Resolved therefore,*

That it is the opinion of this committee, that the foregoing addition, as moved for by Col. Schuyler, be added to the said third resolution.

On reading the fourth resolution, debates arose, and the question being put, whether they agreed thereto, it passed in the affirmative, in manner following, viz.

For the Affirmative, 16. For the Negative, 10.

That the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth resolutions were severally read, and on the questions severally put thereon, were agreed to *nemine contradicente*.

The thirteenth resolution being then read ; on the question whether they agree to the same, debates arose, the committee divided, and it passed in the affirmative, in manner following, viz.

For the Affirmative, 15. For the Negative, 11.

The question was next put on the fourteenth resolution, which passed in the affirmative, *nemine contradicente*.

The fifteenth resolution being next proceeded on ; after some time spent in debates, and the question being put thereon, it passed in the affirmative, in manner following, viz.

For the Affirmative, 16. For the Negative, 10.

Mr. Nicoll, Mr. Kissam, Mr. Gale and Col. Phillips, conceive the act alluded to in the said fifteenth resolution, so far as the same may form a precedent for altering or taking away charter rights granted to the subject in America, contrary to the ordinary course of law, is a grievance.

Which report he read in his place, and afterwards delivered it in at the table, where the same was again read: On the question whether the house agree thereto ? Debates arose, and it passed in the affirmative.

*Resolved therefore,*

That this house doth agree with the committee in their said report and resolutions.

On the 7th March, 1775,

*Ordered,*

That Mr. De Lancey, Mr. Clinton, and Mr. Kissam, or the major part of them, be a committee to prepare a set of resolutions, agreeable to Col. P. Livingston's motion on the 31st of January last, and lay the same before this house with all convenient speed.

On the 8th March, 1775,

Mr. Kissam, from the committee appointed to prepare a set of resolutions to be entered on the journals, pursuant to Col. P. Livingston's motion of the 31st day of January last, reported, that they had prepared sundry resolutions accordingly ; which he read in his place, and afterwards delivered them in at the table, where the same were again read ; and thereupon it was

*Ordered,*

That the said resolutions be referred to the consideration of a committee of the whole house, and that the house resolve itself into a committee thereupon immediately.

The house then accordingly resolved itself into a committee of the whole house upon the said resolutions. After some time spent therein, Mr. Speaker resumed the chair, and Col. Seaman reported, that he was directed by the committee to report to the house, that they had gone through the said resolutions, and made some amendments thereto ; which he read in his place, and afterwards delivered them, as amended, in at the table, where the same were again read, and are as follow, viz.

*1st, Resolved,*

That it is the opinion of this committee, that the people of this

colony owe the same faith and allegiance to his most gracious Majesty King George the third, that are due to him from his subjects in Great Britain.

*2d, Resolved,*

That it is the opinion of this committee, that his Majesty's subjects in this colony owe obedience to all acts of parliament calculated for the general weal of the whole empire, and the due regulation of the trade and commerce thereof, and not inconsistent with the essential rights and liberties of Englishmen, to which they are equally entitled with their fellow subjects in Great Britain.

*3d, Resolved,*

That it is the opinion of this committee, that it is essential to freedom, and the undoubted right of Englishmen, that no taxes be imposed on them but with their consent, given personally, or by their representatives in general assembly.

*4th, Resolved,*

That it is the opinion of this committee, that the acts of parliament raising a revenue in America, especially to provide for the support of the civil government and administration of justice in the colonies—extending the jurisdiction of the courts of admiralty beyond their ancient limits—authorizing the judges' certificate to indemnify the prosecutor from damages he would otherwise be liable to, giving them a concurrent jurisdiction of causes heretofore cognizable only in the courts of common law, and by that means depriving the American subject of his trial by a jury, are destructive to freedom, and subversive of the rights and liberties of the colonists.

*5th, Resolved,*

That it is the opinion of this committee, that a trial by a jury of the vicinage, in all capital cases, is the grand security of freedom, and the birth right of Englishmen; and therefore, that the seizing any person or persons residing in this colony, suspected of treasons, misprisions of treason, or any other offences, and sending such person or persons out of the same to be tried, is dangerous to the lives and liberties of his Majesty's American subjects.

Col. Seaman then also reported, that when they came to the second resolution, Col. Woodhull moved, that between the word "thereof," and the word "and," the following words be inserted, to wit: "excluding every idea of taxation, "internal or external, for "the purpose of raising a revenue on the subject in America, without their consent."

That Mr. De Lancey then moved that the previous question be first put, whether the question upon Col. Woodhull's motion be now put? And debates arising thereon, and the said previous question being accordingly put, it was carried in the negative, (that is to say, that the question upon Col. Woodhull's motion, be now put) in manner following, viz.

For the Negative, 14.

For the Affirmative, 13.

That on reading the third resolution, a motion was made by Mr. Clinton, in the words following, viz.

Mr. Chairman,

I move that the following words be inserted in the third resolution, between the words "taxes" and "be," to wit, "of any kind or nature, or under any denomination whatever:" And debates arising upon the same, and the question being put thereon, it was carried in the negative, in manner following, viz.

For the Negative, 14. For the Affirmative, 12.

Which report he read in his place, and afterwards delivered the bill in at the table, where the same, with the aforesaid resolutions, were severally read a second time: On the question, whether the house agreed to the same? Debates arose, the house divided, and it passed in the affirmative, in manner following, viz.

For the Affirmative, 14. For the Negative, 12.

*Resolved therefore,*

That this house doth agree with the committee in their said report, and resolutions.

On the 9th March, 1775,

*Ordered,*

That Mr. Nicoll, Mr. Van Kleeck, and Mr. Wilkins, or the major part of them, be a committee to prepare and lay before the house, with all convenient speed, the draft of a humble, firm, dutiful and loyal petition, to be presented to our most gracious Sovereign, pursuant to Col. P. Livingston's motion on the 31st day of January last.

*Ordered also,*

That Mr. Brush, Col. Seaman and Mr. Gale, or the major part of them, be a committee to prepare the draft of a memorial to the lords; and that Mr. Kissam, Mr. De Lancey and Mr. Walton, or the major part of them, be a committee to prepare the draft of a representation and remonstrance to the commons of Great Britain, pursuant to Mr. De Lancey's motion on the said 31st day of January last; and that the said committee lay the said drafts before this house, with all convenient speed.

On the 16th March, 1775,

Mr. Wilkins, from the committee appointed to prepare the draft of a petition to the King, laid before the house a draft accordingly. Mr. Brush, from the committee appointed to prepare the draft of a memorial to the lords; and Mr. De Lancey, from the committee appointed to prepare the draft of a representation and remonstrance, to the commons of Great Britain, laid before the house the said drafts accordingly; and the said three drafts being severally read,

*Ordered,*

That the said three drafts be referred to the consideration of a committee of the whole house.



On the 24th March, 1775,

The house then resolved itself into a committee of the whole house, upon the draft of a petition to the King : After some time spent therein, Mr. Speaker resumed the chair, and Col. Seaman reported, that he was directed by the committee to make the following report to the house, to wit.

That after reading the said draft through in the committee, and upon reading it again, paragraph by paragraph, when he came to the fifth paragraph, a motion was made by Col. Schuyler, in the words following, viz.

Mr. Chairman,

I move that the following words be struck out of the fifth paragraph, beginning after the word "her," to wit. "We acknowledge "there are appearances which may be construed to our disadvantage, "and that several of the measures pursued by the colonies, are by no "means justifiable ; yet while we disapprove and condemn them, we "entreat you, as the indulgent father of your people, to view them in "the most favorable light, and to consider them as the honest, though "disorderly struggles of liberty, not the licentious efforts of independence ;" and that the following words be substituted, to wit. "And as we have too much reason to suspect that pains have been "taken to induce your Majesty to think us impatient of constitutional "government, we entreat you, Royal Sir, to believe that our com- "motions are honest struggles for maintaining our constitutional "liberty, and not dictated by a desire of independence.—Cou'd "your princely virtues, as easily as your powers, have been delegated "to your servants, we had not at this time been reduced to the disagreeable necessity of disturbing your repose, on an occasion which "we sincerely lament." Upon which debates arose, and the question having been put thereon, it passed in the negative, in manner following, viz.

For the Negative, 15.

For the Affirmative, 8.

That on reading the sixth paragraph, a second motion was made by Col. Schuyler, in the words following, viz.

Mr. Chairman,

I move that the following words be struck out of the sixth paragraph, to wit. "Your Majesty's American subjects have hitherto "been in a state of infancy, and till lately have submitted implicitly, "and without repining, to the authority of the parent state ; they "have now reached the period of maturity, and think themselves entitled to their birthright, an equal participation of freedom with "their fellow subjects in Britain ;" and the words following be substituted, to wit. "Although your Majesty's American subjects have, "in some instances, submitted to the power exercised by the parent "state, they nevertheless conceive themselves entitled to an equal "participation of freedom with their fellow subjects in Britain." On

which debates arose, and the question having been put thereon, it was carried in the negative, in manner following, viz.

For the Negative, 14.

For the Affirmative, 9.

That a third motion was then made by Col. Schuyler, on reading the said sixth paragraph, in the words following, viz.

Mr. Chairman,

I move that the following words be struck out of the sixth paragraph, after the word "parliament," to wit. "On the contrary, we cheerfully acknowledge our subordination to it, as the grand legislature of the empire; we wish only to enjoy the rights of Englishmen, and to have that share of liberty and those privileges secured to us which we are entitled to, upon the principles of our free and happy constitution, permit us therefore;" and the following words substituted, to wit. "Conscious of the incompetency of the colony legislatures to regulate the trade of the empire, we cheerfully acknowledge such a power in that august body, as is founded in expediency, and confined to the regulation of our external commerce, with a view to the general weal of all your Majesty's subjects, and in such a manner as will leave to us, unimpaired, those rights which we hold by the immutable laws of nature, and the principles of the English constitution; but the exercise of powers incompatible with those rights, not justified by expediency, and destructive of *English* liberty, induces us." And debates arose on the said motion, and the question having been put thereon, it was carried in the negative, in manner following, viz.

For the Negative, 15.

For the Affirmative, 8.

That on reading the seventh paragraph, a motion was made by Col. Woodhull, in the words following, viz.

Mr. Chairman,

I move that the following words be struck out of the seventh paragraph, after the word "Representative," to wit. "This right we do not at present enjoy, inasmuch as the British parliament, in which we have no representation, have claimed and exercised a right of making laws binding upon us in all cases whatsoever;" and the following words substituted, to wit. "This invaluable right the *British* parliament, in which we neither are nor can be represented, have declared an intention to infringe, by asserting an authority to bind us by their acts, in all cases whatsoever." Upon which debates arose, and the question having been put thereon, it was carried in the negative, in manner following, viz.

For the Negative, 15.

For the Affirmative, 9.

That on reading the thirteenth paragraph, a motion was made by Col. Schuyler, in the words following, viz.

Mr. Chairman,

I move that the following words be inserted in the said thirteenth paragraph, between the word "thereof," and the word "and," to

wit. "An abridgment of your Majesty's prerogative, in the preservation of which we are deeply interested, and a violation of our legislative rights." On the question, it passed in the affirmative.

That on reading the fourteenth paragraph, a motion was made by Mr. De Witt, in the words following, viz.

Mr. Chairman,

I move that the following words be struck out of the fourteenth paragraph, to wit. "The act for the regulation of the Government of Quebec, we must beg leave to mention also to your Majesty, as the extension of that province, and the indulgence granted by it to Roman Catholics, have given great uneasiness to the minds of many of your Majesty's American subjects ;" and the following words substituted, to wit. "We beg leave to hold up to your Majesty as a most alarming grievance, the change wrought by your Parliament in the government of Quebec: A change by which your Majesty's royal proclamation conferring the privileges of Englishmen on the inhabitants of that conquered country, is abrogated ; the rights of your Majesty's natural born subjects, who have settled there in confidence thereof, wholly defeated ; its future population by emigrants who know the value of British liberty, most effectually discouraged ; Popery highly encouraged, if not established ; and a form of government unknown in the British constitution, erected in that very extensive dominion, to the great grief and danger of your Majesty's ancient, loyal, free and Protestant colonies on this continent." On the question, debates arose, the committee divided, and it passed in the negative, in manner following, viz.

For the Negative, 15.

For the Affirmative, 8.

That on reading the fifteenth paragraph, Mr. Clinton moved that the same be struck out, which is in these words, viz. "The late acts for shutting up the port of Boston, and altering the charter of the Massachusetts Bay, we presume not to mention to your Majesty, without first assuring you that we, in many instances, disapprove of the conduct of that province, and beseeching your gracious interposition in their favor ; we cannot however help observing that those acts seems to establish a dangerous precedent, by inflicting punishment without the formality of a trial ;" and the following words substituted, to wit. "Although, Royal Sir, it would be improper here to enter into a justification of the merits of the measures which occasioned the late act for shutting up the port of Boston, abridging the charter rights of the Massachusetts Bay, and for the impartial administration of justice in that province ; your Majesty will however graciously be pleased to permit us to observe, that the ill-policied scheme of colony administration pursued by your Majesty's ministers since the close of the last war, has been productive of great warmth in every part of your empire ; nor can we avoid declaring, that we view those acts with that jealousy which is the necessary result of a just sense of the blessings of freedom, and abhor the principles they contain, as establishing

"precedents subversive of the rights, privileges and property, and "dangerous to the lives of your Majesty's American subjects." Upon which debates arose, and the question having been put thereon, it was carried in the negative, in manner following, viz.

For the Negative, 15.

For the Affirmative, 8.

That Col. Philips then moved to have the words "seem to" struck out of the said fifteenth paragraph, which passed in the affirmative.

That on reading the sixteenth paragraph, a motion was made by Mr. Clinton, in the words following, viz.

Mr. Chairman,

I move that the said sixteenth paragraph be struck out, which is in these words, to wit. "We cannot quit the subject of our grievances, "without humbly representing to your Majesty, that we are apprehensive many inconveniences may arise from the judges of the "supreme court in this colony holding their commissions during "pleasure; we therefore entreat your Majesty to grant them their "commissions upon the tenure that the judges of your Majesty's "courts in England hold theirs, during good behavior; and we assure your Majesty, that if you shall be pleased to grant us this indulgence, you will find the representatives of this colony ready and "willing to annex such adequate and permanent salaries to those "offices, as shall render them as independent of the people, as your "Majesty may be pleased to make them of the crown;" and the following words substituted, to wit. "With the highest satisfaction, "most Gracious Sovereign, we reflect on your royal declaration from "the throne at your happy accession, that it was essential to the impartial administration of justice, and one of the best securities to "the rights and liberties of your subjects, that your judges should "hold their commissions during good behavior; permit us then to "pray that you will be graciously pleased to remove the distinction "between your subjects in England and those in America, by commissioning your judges here to hold their offices on the same tenure; in which case we beg leave to assure your Majesty, that we "stand ready to give them such adequate and permanent salaries as "will render them independent of the people." On the question, the committee agreed to the same, *nemine contradicente*.

That after he had read the seventeenth paragraph, Mr. Clinton moved that the following words be struck out from the beginning of the said seventeenth paragraph, to wit. "We have now, most gracious sovereign, stated our grievances to your Majesty; we have "done it we trust, with all the respect due to the best of kings, and "with that decent freedom becoming the representatives of a faithful, "ancient and loyal colony; and we have not the least doubt but "that by your merciful mediation and interposition, we shall obtain "the desired redress, and have such a system of government granted "and confirmed to us by your Majesty and your two houses of parliament, as will sufficiently ascertain the authority of the supreme "legislature over this colony, and at the same time secure to us

"those just and invaluable rights and privileges which all your Majesty's subjects are intitled to;" and the following words substituted, *to wit.* "We dare not presume to engage your Majesty's further attention with grievances of less moment; those we have enumerated, we trust are stated with all that respect which is due to the best of kings, and with that decent firmness becoming the representatives of a free, faithful, ancient and loyal colony; nor can we entertain the least doubt that by your wise mediation and interposition, we shall not only obtain the desired redress, but have such an equitable system of administration established in future, by the concurrent approbation of your Majesty's two houses of parliament, and the legislatures of your *American* colonies as will ensure to *Great-Britain* the affection of and every possible advantage that can accrue to it, from your extensive *American* dominions." On which debates arose, and the question having been put thereon, it passed in the negative in the manner following, *viz.*

For the Negative, 15.

For the Affirmative, 8.

Mr. Wilkins then moved for the following amendments to the said seventeenth paragraph, *to wit.* Strike out between the words "government" and "confirmed," the words "*granted and;*" and strike out between the words "ascertain" and "over," the words "*authority of the supreme legislature;*" and insert in their room the words "and limit the Authority claimed by the *British* Legislature." On the question, the same were agreed to *Nemine Contradicente.*

That after going through the same paragraph by paragraph, and having made several amendments, struck out a clause, and added another thereto, he asked the committee: Whether they agreed to the same, and would direct him to report them to the house? Upon which debates arose, the committee divided and it passed in the affirmative, in manner following, *viz.*

For the Affirmative, 15.

For the Negative, 8.

Which report he read in his place, and afterwards delivered it with the said draught, amendments, and clause, in at the table; where the same were again read; and on Mr. Speaker's asking the question, Whether the house agree to the same, and would order the said draught, amendments and clause, to be engrossed? Debates arose, the house divided, and it passed in the affirmative, in manner following, *viz.*

For the Affirmative, 16.

For the Negative, 8.

Mr. Walton,  
Mr. Nicoll,  
Mr. Kissam,  
Col. Philips,  
Mr. Ten Eyck,  
Mr. Wilkins,  
Mr. Billop,  
Col. Seaman,

Mr. Jauncey,  
Mr. De Lancey,  
Mr. Van Kleeck,  
Mr. Rapalje,  
Mr. Brush,  
Mr. Gale,  
Mr. Cole,  
Col. Wells.

Col. Schuyler,  
Mr. Clinton,  
Mr. Van Cortlandt,  
Col. Woodhull,  
Capt. Seaman,  
Mr. Thomas,  
Mr. De Witt,  
Mr. Boerum.

*Ordered therefore,*  
That the said draught, amendments, and clause, be engrossed.  
And then the house adjourned till 4 o'clock this afternoon.

4 *ho. P. M.*

The house resolved itself into a committee of the whole house, upon the draught of a memorial to the Lords: After some time spent therein, Mr. Speaker resumed the chair, and Col. Seaman reported, That he was directed by the committee to make the following report to the house, *to wit*.

That after reading the said draught through in the committee; and upon reading it again paragraph by paragraph, when they came to the fourth paragraph,

Col. Schuyler made a motion in the words following, *vis.*

Mr. Chairman,

I move that the fourth paragraph be struck out; which is in the words following, *vis.* "Impressed with these sentiments, we consider ourselves as part of one great empire, in which it is necessary there should be some supreme regulating power; but though we acknowledge the existence of such power, yet we conceive it by no means comprehends a right of binding us in all cases whatsoever, because a power of so unbounded an extent would totally deprive us of security, and reduce us to a state of the most abject servitude;" and the following words substituted, *to wit*. "Impressed with these sentiments, considering ourselves as an inseparable part of the *British* empire, and under the fullest conviction that we are intimately interested in and bound by a variety of considerations to promote its weal, we readily assent that public expediency must in some cases, induce a submission to the exercise of a supreme legislative power in the *British* parliament, never to take place but in cases of absolute necessity, and where our own legislature is incompetent, and with a view to the general weal of the empire in the regulation of commerce." On which debates arose; and the question having been put thereon, it was carried in the negative, in manner following, *vis.*

For the Negative, 16.

For the Affirmative, 8.

That on reading the 5th and 6th paragraphs, another motion was made by Col. Schuyler, in these words, *to wit*.

Mr. Chairman,

I move that the 5th and 6th paragraphs be struck out; which are in the words following, *to wit*. "The colonies, as your Lordships know, were not in contemplation when the forms of the British Constitution were established; it was undoubtedly intended that the people should have a share in the legislature, by the intervention of their Representatives: This privilege they have at all times zealously asserted, and it affords the highest security to those for whose benefit it was originally intended, because no money can be

"raised upon the subject in *Great Britain*, nor any law made that is binding on him without the concurrence of those who have been elected by the people to represent them.

"As the case of colonies was unforeseen, so it was unprovided for by the constitution; our ancient law books are silent on the subject; neither the nature of colonies nor their constitutional dependance on the mother country, are so much as mentioned: It follows therefore that upon the planting of the colonies, as a new relation sprung up between the parent kingdom, and then a new system of government adapted to it, and productive of the mutual happiness of both, ought to have been established;" and the following words substituted, *to wit.* "The colonies, as your Lordships know, were not in contemplation when the forms of the British constitution were established; it followed therefore from its principles when colonization took place, that the colonists carried with them all the rights they were entitled to in the country from which they emigrated; but as from their local circumstances they were precluded from sharing in the representation in that legislature in which they had been represented, they of right claimed and enjoyed a legislature of their own, always acknowledging the King or his representative as one branch thereof. This right they have pointedly, repeatedly and zealously asserted, as what only could afford them that security which their fellow subjects in *Great Britain* enjoy under a constitution at once the envy and admiration of surrounding nations; a constitution by which no money can be raised, no taxes of what kind or nature or under what denomination soever, imposed on the subject without the concurrence of those who have been elected by the people to represent them. In sentiments founded on these principles, we can never acknowledge an authority in the *British* parliament to bind us in all cases whatsoever." On the question, the committee agreed to strike out the words from the beginning of the fifth paragraph to the word "intended," inclusive; and the whole of the sixth paragraph; and to substitute so much of Col. Schuyler's motion from the beginning thereof to the word "nation," inclusive. And on the remaining part of said motion debates arose, the committee divided, and it was carried in the negative in manner following, *viz.*

For the Negative, 16.

For the Affirmative, 8.

That on reading the thirteenth paragraph, Col. Schuyler moved that between the words *the* and *purpose*, be inserted the word *express*; and that after the word *imposed*, the following be struck out, *to wit.* "Upon several articles imported directly from *Great Britain*, or the *British* colonies, and on foreign wines, an article which does not in the least interfere with the products of *Great Britain*, or any of its colonies." On the question the committee agreed to insert the word *express*, and on the remaining part of the motion debates

arose, the committee divided, and it passed in the negative, in manner following, *vis.*

For the Negative, 16.

For the Affirmative, 8.

That on reading the fourteenth paragraph, Col. Schuyler moved that the words "the legislature of this colony has been suspended;" be struck out, and the following words substituted, *to wit.* "Acts "have been passed for the purpose of suspending the legislature of "this colony." On the question the said amendment was agreed to *Nemine Contradicente.*

That on reading the sixteenth paragraph, Col. Schuyler moved that the following words be struck thereout, *to wit.* "The *American* "subject is rendered liable in some instances by a new statute, and "in others by the construction made of an old one;" and the following substituted, *to wit.* "New and unconstitutional acts have been "passed, and constructions made of an old one, by which the *Ameri-* "can subject is directed." On the question, the said amendment was agreed to *Nemine Contradicente.*

That after reading the seventeenth paragraph, Col. Schuyler moved that the following words be struck out, *to wit.* "It is with reluct- "ance we;" and the following substituted, *to wit.* "We are ex- "tremely unhappy that occasion has been given us to." On the question, the same was agreed to.

That he then read the eighteenth paragraph; upon which Col. Schuyler moved that the words "a justification," between the words *into* and *of*, be struck out, and the words *the merits* substituted; and also the words "or to intimate an approbation of the mode pursued "for redressing the grievances of which they have been productive," be also struck out. Upon which debates arose, and the question having been put thereon, it was carried in the negative, in manner following, *vis.*

For the Negative, 16.

For the Affirmative, 8.

That on reading the twentieth and twenty-first paragraphs, a motion was made by Col. Schuyler, in the words following, *vis.*

Mr. Chairman,

I move that the following words be struck out, from the word *Labour*, in the twentieth paragraph, to the end of the twenty-first paragraph *to wit.* "But tho' we conceive it our duty thus fully to "lay them before your Lordships, we beg leave to assure you, that "we shall always cheerfully submit to the constitutional exercise of "the supreme regulating power, lodged in the King, Lords, and "Commons of *Great Britain*, and to all acts calculated for the "general weal of the empire, and the due regulation of the trade and "commerce thereof."

"We conceive this power includes a right to lay duties upon all "articles imported directly into the colonies from any foreign coun- "try or plantation, which may interfere with the products or manu- "factures of *Great Britain*, or any other part of his Majesty's



"dominions ; but that it is essential to freedom, and the undoubted rights of our constituents, that no taxes be imposed on them but with their consent, given, personally or by their lawful representatives ;" and the following substituted, to wit. "And while we esteem it our duty thus fully to lay them before your lordships, we beg leave to assure you, that we shall never repine at the exercise of a parliamentary authority to regulate trade for the general weal of the empire, when it is solely employed in the enacting duties on imports from foreign countries, that may interfere with the products or manufactures of any part of the British empire, provided that in the mode, every idea of taxation for the purpose of raising a revenue in America, be excluded." Upon which debates arose, and the question having been put thereon, it was carried in the negative, in manner following, viz.

For the Negative, 16.

For the Affirmative, 8.

That after going through the same, paragraph by paragraph, and having made several amendments thereto, he asked the committee, whether they agreed to the same, and would direct him to report them to the house ? Upon which debates arose, the committee divided, and it passed in the affirmative, in manner following, viz.

For the Affirmative, 16.

For the Negative, 8.

Which report he read in his place, and afterwards delivered it, with the said draft and amendments, in at the table, where the same were again read ; and on the question, whether the house agree to the same, and would order the said draft and amendments to be engrossed ? It passed in the Affirmative.

*Ordered,*

That the said draft and amendments be engrossed.

The house then resolved itself into a committee of the whole house upon the draft of a representation and remonstrance to the Commons of Great Britain : After some time spent therein, Mr. Speaker resumed the chair, and Mr. Kissam reported, that he was directed by the committee to make the following report to the house, to wit :

That after reading the said draft through in the committee, and upon reading it again, paragraph by paragraph, when he came to the fourth paragraph,

A motion was made by Mr. Clinton, in the words following, viz.

Mr. Chairman,

I move that the word "internal," between the words "from" and "taxation," in the fourth paragraph, be struck out ; as also the following words, at the end of the said fourth paragraph, to wit. "Especially for the support of government, and the other usual and ordinary services of the colonies." On which debates arose, and the question having been put thereon, it was carried in the negative, in manner following, viz.

For the Negative, 16.

For the Affirmative, 8.

That on reading the eighth paragraph, Mr. Clinton moved that

the words "their," between the words "branches" and "authority," be struck out; and the words "in exercising an" be substituted; and between the words "dominions" and "has," the following words be inserted, to wit: "Which authority, when founded in expediency, and "calculated for the general weal of the whole empire." On which debates arose, and the question having been put thereon, it passed in the negative, in the same manner as the preceding question.

That on reading the eleventh paragraph, Mr. Clinton moved that the words "the Roman Catholic religion," between the words "which" and "has," be struck out, and the following substituted, to wit. "A sanguinary religion equally repugnant to the genuine simplicity of Christianity, and the maxims of sound philosophy." On which debates arose, and the question having been put thereon, it was carried in the negative, in the same manner as the two last questions, excepting that Capt. Seaman was for the negative.

That on reading the twelfth paragraph, Mr. Clinton moved that the following words be struck out of the latter end thereof, to wit. "At the same time we also must express our disapprobation of the "violent measures that have been pursued in some of the colonies, "which can only tend to increase our misfortunes, and to prevent "our obtaining redress." On the question, debates arose, the committee divided, and it passed in the negative, in the same manner as the two preceding questions before the last.

That after going through the same, paragraph by paragraph, and having made several amendments thereto: On the question, whether they agree to the same, and would direct him to report them to the house? It passed in the affirmative.

Which report he read in his place, and afterwards delivered it, with the said draft and amendments, in at the table, where the same were again read; On the question, whether the house agree to the same, and would order the said draft and amendments to be engrossed? It passed in the affirmative.

*Ordered,*

That the said draft and amendments be engrossed.

And then the house adjourned till 10 o'clock to-morrow morning.

On the 25th March, 1775,

The engrossed petition to the King's most Excellent Majesty, was read; on the question whether the house agree to the same? it passed in the affirmative.

*Ordered,*

That Mr. Speaker sign the said petition in behalf of this house.

The engrossed memorial to the lords spiritual and temporal, in parliament assembled, was read; on the question whether the house agree to the same? it passed in the affirmative.

*Ordered,*

That Mr. Speaker sign the said memorial in behalf of this house.

And then the house adjourned till 4 o'clock this afternoon.

4 *ho. P. M.*

The engrossed representation and remonstrance to the Commons of Great Britain, in parliament assembled, was read ; on the question whether the house agree to the same ? it passed in the affirmative.

*Ordered,*

That Mr. Speaker sign the said representation and memorial in behalf of this house.

*Ordered,*

That the said petition to the King's most excellent Majesty ; the said memorial to the lords spiritual and temporal ; and the said representation and remonstrance to the commons of Great Britain, in parliament assembled, be transmitted by the Speaker, with all convenient speed, to Edmund Burke, Esq. agent of this colony, at the court of Great Britain ; and that a letter be prepared, to be approved of by this house, to the said agent, with directions that he present the same, in behalf of this colony, as they are respectively directed, as soon after the receipt thereof as possible.

*Ordered,*

That Mr. Speaker transmit, at the same time, to the agent, the state of the grievances of this colony, and the resolutions of this house thereupon.

On 31st March, 1775,

*Ordered,*

That Mr. Speaker write to the Speakers of the several Houses of Assembly on this continent, as soon after the rise of this house as conveniently may be, and transmit to them the list of grievances stated by this house, and the resolutions thereof, in consequence ; together with the petition to the King's most excellent majesty ; the memorial to the Lords Spiritual and Temporal ; and the representation and remonstrance to the Commons of Great Britain, in Parliament assembled, requesting them to lay the same before their respective houses of Assembly, at their first meeting after the receipt thereof.

On 1st April, 1775,

*Ordered,*

That John Cruger, Esq. Speaker, James De Lancey, James Jauncey, Jacob Walton, Benjamin Seaman, Isaac Wilkins, Frederick Philips, Daniel Kissam, Zebulon Seaman, John Rapelje, Simon Boerum, Samuel Gale and George Clinton, Esqrs. or any seven of them, whose business it shall be to obtain the most early and authentic intelligence of all such acts and resolutions of the British parliament, or proceedings of administration, as do or may relate to or affect the liberties and privileges of his Majesty's subjects in the British colonies in America ; and to keep up and maintain a corre-

spondence and communication with our sister colonies, respecting these important considerations, and the result of their proceedings to lay before the house.

The following are the petition to the King's most excellent Majesty ; the memorial to the lords spiritual and temporal ; and the representation and remonstrance to the Commons of Great Britain, in Parliament assembled ; agreed to by this house on Saturday the 25th ultimo, to wit.

#### TO THE KING'S MOST EXCELLENT MAJESTY.

*The humble Petition of the General Assembly of the Colony of New York.*

MOST GRACIOUS SOVEREIGN,

1. WE, your Majesty's most dutiful and loyal subjects, the General Assembly of the colony of New York, beg leave most humbly to approach your Majesty.

2. Inviolably attached to your royal person and government, to which we are bound by the strongest ties of duty and affection, and in the fullest assurance that your paternal care is extended over ALL YOUR PEOPLE, as well the inhabitants of the new world, as those who flourish and are happy under your more immediate influence in the old ; we are emboldened to throw ourselves at your Majesty's feet, humble petitioners, in behalf of the loyal colony we represent.

3. Vouchsafe then, most gracious Sovereign, to attend to the prayer of your faithful subjects, and while we are pleading our own cause, and the cause of liberty and humanity, deign to consider us as advocates for our sister colonies also.

4. The present unhappy and unnatural disputes between the parent state and your Majesty's American dominions, give us the deepest and most unfeigned concern.—We lament it as one of the greatest misfortunes, that the happy and peaceful harmony, which has hitherto subsisted between us, should now by any means be interrupted ; and 'tis the earnest, and first wish of our hearts, that it may be speedily restored, and placed upon so permanent a basis, as that neither time or accidents may be ever able to disturb it.

5. We acknowledge, with the warmest gratitude, the favor and protection of our mother country ; which flowing from policy, dictated by wisdom and humanity, hath enabled us to become so important a part of the British empire ; and we beseech your Majesty to believe us, when we assure you, that we still retain the duty and affection of children—that we love and reverence our venerable parent, and that no calamity would be so truly afflicting to us, as a separation from her. We acknowledge there are appearances which may be construed to our disadvantage, and that several of the measures pursued by the colonies, are by no means justifiable ; yet while

we disapprove and condemn them, we entreat you, as the indulgent father of your people, to view them in the most favorable light, and to consider them as the honest, though disorderly struggles of liberty, not the licentious efforts of independence.

6. Your Majesty's American subjects have hitherto been in a state of infancy, and till lately have submitted implicitly, and without repining, to the authority of the parent state; they have now reached the period of maturity, and think themselves entitled to their birth-right, an equal participation of freedom with their fellow subjects in Britain. It is with this view we now address your Majesty. We mean not to become independent of the British Parliament; on the contrary, we cheerfully acknowledge our subordination to it, as the grand legislature of the empire; we wish only to enjoy the rights of Englishmen, and to have that share of liberty, and those privileges secured to us which we are entitled to, upon the principles of our *free and happy constitution*. Permit us therefore, most gracious Sovereign, to lay our grievances before you, which we now do with the greatest humility, and in the fullest assurance, that your royal justice and clemency will be exerted in our behalf.

7. Your Majesty's subjects in this colony, think it essential to freedom, and the undoubted right of Englishmen, that no taxes should be imposed on them without *their consent* given personally, or by their representatives. This right we do not at present enjoy, inasmuch as the British Parliament, in which we have no representation, have claimed and exercised a right of making laws binding upon us in all cases whatsoever. This claim, and this exercise of unlimited power by the Parliament, we esteem a grievance of the most dangerous nature, and directly tending to the subversion of our constitutional liberties. We are willing, to the utmost of our abilities, to contribute our proportion to the support of government; but we would do it in a constitutional manner, by the interposition of the COLONY LEGISLATURE.

8. We likewise beg leave to declare to your Majesty, that we consider the acts of Parliament raising a revenue in America, but more especially those to provide for the support of civil government, and the administration of justice in the colonies, and extending the courts of admiralty beyond their ancient limits, giving them a concurrent jurisdiction, in causes heretofore cognizable only in the courts of common law, and by that means depriving the American subject of a trial by jury, as grievous and destructive of our rights and privileges.

9. That the act of Parliament authorising the apprehension of persons resident in the colonies, on suspicion of certain offences, and sending them out of the same to be tried, is dangerous to the lives and liberties of your Majesty's American subjects, as it deprives them of a trial by a JURY OF THE VICINAGE, which in all cases is the grand security and birth-right of Englishmen.

10. That we humbly conceive, the act requiring the legislature of this colony to provide for the services therein mentioned, and the

other for suspending the legislative power thereof, till such requisition should be complied with, were unconstitutional, and tended to destroy that confidence which we had always reposed in the mother country.

11. That the imposition of duties upon articles of commerce imported from Great Britain, is oppressive and impolitic, as it gives the greatest encouragement to illicit trade, and appears as a prohibition on our commerce with the mother country, which, for the mutual advantage of both, we conceive ought to be free and unrestrained.

12. That the act passed in the fourteenth year of your Majesty's reign, imposing duties upon certain articles imported into the province of Quebec (the limits whereof, by an act of the same year, are so extended as to comprehend all the Indian country, from Hudson's Bay to the mouth of the Ohio river) and restricting the importation of those dutied articles to the port of St. John's, on the river Sorel, is injurious to this colony, as it almost entirely destroys our important Indian trade; that port being so very remote from this and the other colonies, that the conveyance of goods thither, for the prosecution of that traffic, must unavoidably be attended with so enormous an expense, as well nigh amounts to a total prohibition;—the unmerited discrimination made by the first above mentioned act in favor of the sugar colonies, by subjecting the continental colonies to a larger duty on particular articles, is so detrimental to the interest of *this* colony, that we cannot avoid complaining of it to your Majesty, as a grievance.

13. We likewise think, the act prohibiting the legislature of this colony from passing any law for the emission of *paper currency* to be a legal tender therein, is disadvantageous to the growth and commerce thereof; an abridgement of your Majesty's prerogative (in the preservation of which we are deeply interested) and a violation of our legislative rights; and may hereafter disable your Majesty's subjects, upon proper requisition, and upon certain emergencies, from granting such aids as may be necessary for the general safety of the empire.

14. The act for the regulation of the government of Quebec, we must beg leave to mention also to your Majesty, as the extension of that province and the indulgence granted to it by Roman Catholics, have given great uneasiness to the minds of many of your Majesty's American subjects.

15. The late acts for shutting up the port of Boston, and altering the charter of the Massachusetts Bay, we presume not to mention to your Majesty, without first assuring you that we, in many instances, disapprove of the conduct of that province, and beseeching your gracious interposition in their favor; we cannot however help observing that those acts to establish a dangerous precedent, by inflicting punishment without the formality of a trial.

16. With the highest satisfaction, most gracious Sovereign, we reflect on your royal declaration from the throne at your happy accession, that it was essential to the impartial administration of justice,

and one of the best securities to the rights and liberties of your subjects, that your judges should hold their commissions during good behavior; permit us then to pray that you will be graciously pleased to remove the distinction between your subjects in England and those in America, by commissioning your judges here to hold their offices on the same tenure; in which case we beg leave to assure your Majesty, that we stand ready to give them such adequate and permanent salaries as will render them *independent of the people*.

17. We have now, most gracious Sovereign, stated our grievances to your Majesty; we have done it, we trust, with all the respect due to the best of Kings, and with that decent freedom becoming the representatives of a faithful, ancient and loyal colony; and we have not the least doubt, but that by your merciful mediation and interposition, we shall obtain the desired redress, and have such a system of government confirmed to us by your Majesty, and your two houses of parliament, as will sufficiently *ascertain* and *limit* the authority claimed by the *British* legislature over this colony, and secure to us those just and invaluable RIGHTS AND PRIVILEGES which all your Majesty's subjects are entitled to. This, most gracious Sovereign, is the sum of our wishes, and the end of our desires; and we beg leave to assure your Majesty, that we are convinced this will be the only effectual method of quieting the minds of your Majesty's faithful *American* subjects, and of restoring that harmony and cordial union between the mother country and us, which is so essential to the welfare and prosperity of both.—We beseech your Majesty to believe, that our earnest prayer to Heaven is, that your Majesty may continue long the happy and beloved Monarch of a brave, a free, a virtuous and united people; and that your children after you may continue to fill the *British* throne to the latest generations.

TO THE RIGHT HONORABLE THE LORDS SPIRITUAL  
AND TEMPORAL OF GREAT BRITAIN IN PARLIAMENT ASSEMBLED.

*The Memorial of his Majesty's faithful subjects, the Representatives of the Colony of New York, in General Assembly convened.*

MAY IT PLEASE YOUR LORDSHIPS,

1. WE, his Majesty's most dutiful and loyal subjects, the representatives of the colony of New-York, in General Assembly convened, are conscious, when we address your lordships, that we are applying to a body who have ever been distinguished for the firmest attachment to the principles of liberty, and that happiest result of them, the British constitution.

2. We acknowledge ourselves, and the people we represent, strictly bound by the ties of faith and allegiance to our most gracious Sovereign, that we justly owe the same faith and allegiance as are

due to him from his subjects in Great Britain ; that we regard him with the utmost veneration, and that we shall ever be ready to contribute to his service, and to support the dignity of his crown and government.

3. We esteem ourselves happy in our connection with the PARENT STATE, whose true interests are inseparably united with our own ; and we are fully sensible, that none but the enemies of both countries could ever wish to disjoin them.

4. Impressed with these sentiments, we consider ourselves as parts of one great empire, in which it is necessary there should be some supreme regulating power. But though we acknowledge the existence of such power, yet we conceive it by no means comprehends a right of binding us in all cases whatsoever ; because a power of so unbounded an extent would totally deprive us of security, and reduce us to a state of the most abject servitude.

5. The colonies, as your lordships know, were not in contemplation when the forms of the British constitution were established ; it followed, therefore, from its principles, when colonization took place, that the colonists carried with them all the rights they were entitled to in the country from which they emigrated ; but as from their local circumstances, they were precluded from sharing in the representation in that legislature in which they *had been* represented, they of right claimed and enjoyed a legislature of their own, always acknowledging the King, or his representative, as one branch thereof : this right they have pointedly, repeatedly and zealously asserted, as what only could afford them that security which their fellow subjects in Great Britain enjoy, under a constitution, at once the envy and admiration of surrounding nations ; because no money can be raised upon the subject in Great Britain, nor any law made that is binding on him, without the concurrence of those who have been elected by the PEOPLE to represent them.

6. For what happiness can the colonists expect, if their lives and properties are at the absolute disposal of others, and that power which when restrained within its just bounds, would dispense light and heat to the whole empire, may be employed like a devouring flame, to consume and destroy them.

7. Your lordships will excuse, nay, we doubt not, will commend us for speaking at this important juncture, with the freedom becoming the representatives of a free people, when addressing ourselves to this most illustrious body.

8. We therefore beg leave, on this occasion, to declare that we conceive the people of the colonies entitled to EQUAL RIGHTS AND PRIVILEGES with their fellow subjects in Great Britain.

9. That upon these principles it is a grievance of a most alarming nature, that the parliament of Great Britain should claim a right to enact laws binding the colonies in all cases whatsoever.

10. Incompatible as this claim is with the very idea of freedom, your lordships cannot wonder that the colonies should express an invincible repugnance to it. Absolute and uncontrollable power in any man,



or body of men, necessarily implies absolute slavery in those who are subject to it, even should such a power not be carried into execution ; yet let it be remembered, that the liberties of an Englishman are his *rights* ; and that freedom consists not in a mere *exemption* from oppression, but in a *right* to such exemption, founded on law and the principles of the constitution.

11. But your lordships cannot be ignorant that this claim has been exercised in such a manner as to give the colonists the utmost uneasiness, and the most unexceptionable grounds of complaint.

12. Duties, for the express purpose of raising a revenue in America, have been imposed upon several articles imported directly from Great Britain, or the British colonies, and on foreign wines, an article which does not in the least interfere with the products of Great Britain, or any of its colonies.

13. The jurisdiction of the *admiralty courts*, has been extended beyond its ancient limits ; the judges of those courts invested with new and unconstitutional powers ; the subject in America, in many cases, divested of that invaluable privilege, A TRIAL BY JURY, and a discrimination highly injurious, held up between us and our fellow-subjects in Great Britain.

14. Acts have been passed for the purpose of suspending the legislature of this colony from the exercise of its constitutional powers, till it should comply with requisitions which it had before judged improper ; and laying an unreasonable restraint upon us, with respect to the emission of a *paper currency* to be a legal tender within the colony.

15. Officers employed in the administration of justice have been rendered independent of the people, with respect both to their salaries and the tenure of their commissions, whereby they are freed from those checks to which, as servants of the public, they ought to be subject, although the representatives of the people have ever been ready, and now declare their willingness to make suitable provision for their support.

16. New and unconstitutional acts have been passed, and constructions made of an old one, by which the American subject is directed to be tried for offences, either real or supposed ; not in the place where the fact was committed, where his witnesses reside, and their characters are known, but in a strange country, where his witnesses may not attend, and where their credibility cannot be ascertained.

17. We are extremely unhappy that occasion has been given us to add to the catalogue of our grievances, the laws enacted in the last session of the late Parliament, for shutting up the port of Boston—for altering the government of the Massachusetts Bay—and for the impartial administration of justice in certain cases in that province.

18. Although it is not our intention to enter into a justification of the measures which occasioned those acts, or to intimate an approbation of the mode pursued for redressing the grievances of which

they have been productive ; yet we cannot help viewing them as forming precedents of so dangerous a nature as must render the privileges, the property, and even the lives of all His Majesty's American subjects precarious and insecure.

19. By other acts of the same session, the bounds of the province of Quebec are considerably extended ; the Roman Catholic religion may be construed to be established throughout that province ; and such regulations are enacted respecting its trade, as not only hold up a discrimination between the continental and other colonies, injurious to the former, but in the establishment of the port of entry, cannot fail totally to deprive this colony of an extensive and important commerce, which it formerly carried on with the native Indian inhabitants of that vast tract of country, now included within the bounds of that government.

20. These are the principal grievances under which our constituents at present labor ; but though we conceive it our duty thus fully to lay them before your lordships, we beg leave to assure you, that we shall always cheerfully submit to the CONSTITUTIONAL exercise of the supreme regulating power, lodged in the KING, Lords and Commons of Great Britain ; and to all acts calculated for the general weal of the empire, and the due regulation of the trade and commerce thereof.

21. We conceive this power includes a right to lay duties upon all articles imported directly into the colonies, from any foreign country or plantation, which may interfere with products or manufactures of Great Britain, or any other part of his Majesty's dominions ; but that it is essential to freedom, and the undoubted rights of our constituents, that NO TAXES be imposed on them but with THEIR consent, given, personally or by their lawful representatives.

22. Whilst therefore we entertain such dispositions of obedience to the lawful powers of government ; of allegiance to our most gracious Sovereign, and attachment to the parent country : We humbly hope that your lordships will aid and concur in redressing our grievances—removing all causes of dissention with Great Britain—and establishing our RIGHTS AND PRIVILEGES UPON A SOLID AND LASTING FOUNDATION.

And your memorialists shall ever pray.

TO THE HONORABLE THE KNIGHTS, CITIZENS AND  
BURGESSES OF GREAT BRITAIN, IN PARLIAMENT  
ASSEMBLED.

*The Representation and Remonstrance of the General Assembly of the  
Colony of New-York.*

1. IMPRESSED with the warmest sentiments of loyalty and affection to our most gracious Sovereign, and zealously attached to his person, family and government, we, his Majesty's faithful subjects, the repre-

sentatives of his ancient and loyal colony of New-York, behold with the deepest concern, the unhappy disputes subsisting between the mother country and her colonies, convinced that the grandeur and strength of the British empire, the protection and opulence of his Majesty's American dominions, and the happiness and welfare of both, depend essentially on a restoration of harmony and affection between them ; we feel the most ardent desire to promote a cordial reconciliation with the parent state, which can be rendered permanent and solid only by ascertaining the line of parliamentary authority and American freedom, on just, equitable and constitutional grounds. To effect these salutary purposes, and to represent the grievances under which we labor, by the innovations which have been made in the constitutional mode of colonial government, since the close of the late war, we shall proceed with that firmness which becomes the descendants of Englishmen, and a people accustomed to the blessings of liberty, and at the same time with that deference and respect which is due to this august assembly to shew.

2. That from the year 1683, till the above mentioned period, this colony has enjoyed a legislature consisting of three distinct branches, a Governor, Council and General Assembly ; under which political frame the representatives of the people have uniformly exercised the right of granting aids to the crown, and providing for the support of their own civil government, and the administration of justice in the colony.

3. It is therefore with inexpressible grief that we have of late years seen measures adopted by the British Parliament subversive of that constitution under which the good people of this colony, have always enjoyed the same rights and privileges so highly and deservedly prized by their fellow subjects in Great Britain ; a constitution in its infancy, modelled after that of the parent state ; in its growth more nearly assimilated to it, and tacitly implied, and undeniably recognized in the requisitions made by the crown, with the consent and approbation of Parliament.

4. An exemption from internal taxation, and the exclusive right of providing for the support of our own civil government, and the administration of justice in this colony, we esteem our undoubted and unalienable rights as Englishmen ; but while we claim these essential rights, it is with equal pleasure and truth we can declare, that we ever have been and ever will be ready to bear our full proportion of aids to the crown for the public service, and to make provision for these necessary purposes, in as ample and adequate a manner as the circumstances of the colony will admit. Actuated by these sentiments, while we address ourselves to a British house of commons, which has ever been so sensible of the rights of the people, and so tenacious of preserving them from violation, can it be a matter of surprise that we should feel the most distressing apprehensions from the act of the British Parliament declaring their right, *to bind the colonies in all cases whatever*, a principle which has been actually exercised by the statutes made for the sole and express purpose of raising a revenue in

America ; especially for the support of government, and the other useful and ordinary services of the colonies.

5. 'The trial by a jury of the vicinage, in causes civil and criminal, arising within the colony, we consider as essential to the security of our lives and liberties, and one of the main pillars of the constitution ; and therefore view with horror, the construction of the statute of the 35th of Henry the 8th, as held up by the joint address of both houses of parliament, in 1769, advising his Majesty to send four persons guilty of treasons and misprisions of treason, in the colony of Massachusetts Bay, in order to be tried in England ; and we are equally alarmed at the late acts empowering his Majesty to send persons guilty of offences in one colony to be tried in another, or within the realm of England.

6. When we consider that the cognizance of causes arising on the land, has by the wisdom of the English constitution, been appropriated to the courts of common law, and the jurisdiction of the admiralty confined to causes purely marine, we regard the great alterations that have been made in that wholesome system of laws, by extending the powers of the courts of admiralty ; authorising the judges' certificates to indemnify the prosecutor, from damages he might otherwise be liable to, giving them a concurrent jurisdiction with the courts of common law, and by that means depriving the American subject of a trial by a JURY, as destructive to freedom, and injurious to our property.

7. We must also complain of the act of 7th of Geo. 3d, chap. the 59th, requiring the legislature of this colony to make provision for the expense of supplying the troops quartered amongst us, with the necessaries prescribed by that law, and holding up by any other act a suspension of our legislative powers, till we should have complied, as it would have included all the effects of a tax, and implies a distrust of our readiness to contribute to the public service.

8. Nor in claiming these essential RIGHTS do we entertain the most distant desire of independence on the parent kingdom ; we acknowledge the Parliament of Great Britain necessarily entitled to a supreme direction and government over the whole empire, for a wise, powerful and lasting preservation of the great bond of union and safety among all the branches ; their authority to regulate the trade of the colonies, so as to make it subservient to the interest of the mother country, and to prevent its being injurious to the other parts of his Majesty's dominions, has ever been fully recognized ; but an exemption from duties on all articles of commerce which we import from Great Britain, Ireland and the British plantations, or on commodities which do not interfere with their products or manufactures, we can justly claim ; and always expect that our commerce will be charged with no other than a necessary regard to the trade and interest of Great Britain and her colonies evidently demands ; at the same time, we humbly conceive that the money arising from all DUTIES RAISED IN THIS COLONY should be paid into the *colony*

*treasury*, to be drawn by requisitions of the crown to the General Assembly, for the security and defence of the whole empire.

9. We cannot avoid mentioning, among our grievances, the act for prohibiting the legislature of this colony, from passing any law for the emission of a paper currency to be a legal tender in the colony ; our commerce affords so small a return of specie, that without a paper currency, supported on the credit of the colony, our trade and the change of property, must necessarily decrease : Without this expedient, we never should have been able to comply with the requisitions of the crown during the last war ; or to grant ready aids on any sudden emergencies. The credit of our bills has ever been secured from depreciation by the short periods limited for their duration, and sinking them by taxes raised on the people ; and the want of this power may, in future, prevent his Majesty's faithful subjects here, from testifying their loyalty and affection to our gracious Sovereign, and from granting such aids as may be necessary for the general weal and safety of the British empire ; nor can we avoid remonstrating against this act as an abridgement of the royal prerogative, and a violation of our legislative rights.

10. We must also complain of the act of the last session of Parliament, imposing duties on certain articles imported into the province of Quebec, and restricting the importation of them to the ports of Quebec and St. Johns, on the river Sorel, by which the commerce formerly carried on by this colony with the Indians, is in a great measure diverted into another channel. As by the extension of the bounds of that province from Hudsons Bay to the Ohio, by a statute of the same session, a great extent of country is cut off from this colony, in which hitherto the most lucrative branches of the Indian trade were pursued ; and by directing the duties on the articles necessary for that commerce, to be paid only at the above ports, which are so very remote from this and the other colonies, that the importation of them, by those places, will be attended with such a heavy expense, as to amount to a total prohibition. These acts, in our opinion, bear with peculiar hardship on the people of *this* colony, when we reflect on the vast sums of money which have been expended by our legislature in conciliating the friendship of the savages, and the essential services which were derived to the British arms during the last war, from our alliance with, and influence over them, founded on a free and unrestrained commerce. We are at a loss to account why articles imported from the continental colonies, and imported into the province of Quebec, should be loaded with heavier duties than those brought from the West-India islands, by which, while we are deprived of a most lucrative branch of commerce, we behold a discrimination made between us and the sugar colonies, to our prejudice, equally injurious and unmerited.

11. Nor can we forbear mentioning the jealousies which have been excited in the colonies, by the extension of the limits of the province of Quebec, in which the Roman Catholic religion has received such ample supports.

12. Interested as we must consider ourselves in whatever may affect our sister colonies, we cannot help feeling for the distresses of our brethren in the Massachusetts Bay, from the operation of the several acts of parliament, passed relative to that province, and of earnestly remonstrating in their behalf; at the same time we also must express our disapprobation of the violent measures that have been pursued in some of the colonies, which can only tend to increase our misfortunes, and to prevent our obtaining redress.

13. We claim but a restoration of those rights which we enjoyed by general consent, before the close of the last war; we desire no more than a continuation of that ancient government, to which we are entitled by the principles of the British constitution, and by which alone can be secured to us the RIGHTS OF ENGLISHMEN. Attached by every tie of interest and regard to the British nation, and accustomed to behold with reverence and respect, its excellent form of government, we harbor not an idea of diminishing the power and grandeur of the mother country, or lessening the lustre and dignity of Parliament; our object is the happiness, which we are convinced can only arise from the UNION OF BOTH COUNTRIES: To render this union permanent and solid, we esteem it the undoubted right of the colonies, to participate of that constitution, whose direct end and aim is the liberty of the subject; fully trusting that this honorable house will listen with attention to our complaints, and redress our grievances, by adopting such measures as shall be found most conducive to the general welfare of the whole empire, and most likely to RESTORE UNION AND HARMONY AMONG ALL THE DIFFERENT BRANCHES.

By order of the General Assembly,

JOHN CRUGER, *Speaker.*

*Assembly Chamber, city of New-York, }  
the 25th day of March, 1775. }*

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## NOTE XX.

THE NEW YORK AND NEW HAMPSHIRE CONTROVERSY.—  
SURPRISE OF TICONDEROGA.—BENEDICT ARNOLD.—  
ETHAN ALLEN.—THE RESOLUTIONS OF THE CONTINENTAL CONGRESS UPON THE CAPTURE DISOBEYED.—THE SURPRISE OF THE FORT AT LAKE GEORGE BY NEW YORKERS.

*Volume I., page 47.*

GOVERNOR TRYON'S proclamation, issued March 9th, 1775. offered a reward of £100 for the arrest of Allen and Baker,

and £50 each for Seth Warner, Robert Cochrane, Peleg Sunderland, Sylvanus Brown, James Brackenridge, and John Smith—£500 in all.<sup>1</sup> It was issued pursuant to a vote of the Assembly of New York on the 5th February, 1774, after a committee, of which George Clinton<sup>2</sup> was Chairman, had investigated and reported the facts of the outrages referred to in the text, and the names of the persons guilty of them.<sup>3</sup>

Action had been taken in 1773 in the New York Legislature calling for a body of regular troops to garrison Ticonderoga, in order to overawe the New Hampshire rioters, but the fort being found untenable as winter quarters for more than about fifty men, the idea was given up. It was the fear of the fort being repaired and garrisoned that caused Allen's desire to capture it. In the third volume of the Documentary History of New York will be found the official documents in full, showing these and the other facts of this Vermont matter.

The following statements give a vivid idea of Allen and the ways of his Green Mountain Boys. Charles Hutcheson makes an affidavit on the 12th November, 1771, in which he says :

"The Deponent being at work upon a Lott of 200 acres of land granted him by a Patent under the seal of this Province of New York, said land being vacant, lying about 15 miles east of Hudson River and 4 miles north of New Perth township, in County Albany: There assembled Nine men, who call themselves NEW HAMPSHIRE MEN, about the Deponent's house, which he had built on said Lott, and the Deponent observing all having firearms and attempting to demolish his house, he left his work, came and earnestly desired them to stop, whereupon one Sirnamed Allen, another Baker, and one Sevil with Robt. Cochran and 5 other names unknown to the Deponent said that they would burn it, *for that morning they had resolved to offer a burnt sacrifice to the Gods of the World in burning the logs of that house.* That then they kindled 4 fires on the logs of the house, said Allen and Baker holding 2 clubs over the Deponents head ready to strike, commanded him to leave that land and not say one word to them. That if ever he returned he should be barbarously used. That the fires being kindled said Allen and Baker

<sup>1</sup> Doc. Hist. N. Y., II., p. 872.

<sup>2</sup> Subsequently Governor Clinton.

<sup>3</sup> N. Y. Ass. Journals, 1766 to 1776, January Session, 1774, p. 210. Doc. Hist. N. Y., p. 869. The date, however, given in the latter, is an error.

insolently said to the Deponent—Go your way now and complain to that damned Scoundrel your Governor. God damn your Governor, Laws, King, Council, and Assembly. That when the deponent reproved them for it, the said Allen said, God Damn your soul, are you going to preach to us—and further said That if ever any constable attempted to arrest them they would kill him. That if any of them were ever put in Albany Gaol they would break it down and rescue him. That then deponent fled to New Perth where he now resides with his family.”<sup>1</sup>

Lt.-Col. John Reid, of the 42d Highlanders, had received a military grant after the French war, on Otter Creek, not very far from Crown Point, upon which he had settled, and built mills and houses, upon which he had numerous tenants. This settlement, in August, 1773, Allen and his “Bennington Mob” destroyed. James Henderson, one of Reid’s settlers, in an affidavit, after giving an account of the affair, and the burning of his house, proceeds :

“Deponent then took out his memorandum-book and desired their Ringleader’s (or Captain’s) name, to which Deponent was answered, Who gave you authority to ask for my name, he the Deponent replied that as he took him to be the Ringleader of the mob and as he had in such riotous and unlawful manner dispossessed him, he had a right to ask his name that he might represent him to Col. Reid, who had put him the deponent in peaceful possession of the premises as his just property. To which Allen answered, that he wished they had catch’d Col. Reid, that they would whip him severely, that his name was ETHAN ALLEN Captain of that Mob, and his authority was his arms, pointing to his gun, that he and his companions were a Lawless Mob, their Law being Mob Law. The deponent replied that the Law was made for Lawless and Riotous people, and that he must know it was death to Ringleaders of Lawless and Riotous Mobs, to which Allen answered, that he had run these woods in the same manner these seven years past and never was catch’d yet, and told the Deponent that if any of Col. Reid’s settlers offered hereafter to Build any house and keep possession the Green Mountain Boys as they call themselves would burn their houses and whip them into the bargain.”<sup>2</sup>

James Duane was the most active advocate and expositor of the rights and jurisdiction of New York to the New Hampshire grants, afterward the State of Vermont, before, during,

<sup>1</sup> Doc. Hist. N. Y. vol. IV. p. 745.

<sup>2</sup> Doc. Hist N. Y., IV., pp. 851-2.



and after the Revolution. He drew that most full and able "*State of the Rights of New York with respect to its Eastern Boundary on Connecticut River*," which was reported to the New York Assembly, unanimously approved March 8th, 1773, and inserted at length in its Journal,<sup>1</sup> an exhaustive abstract and history of all the claims and titles of all the parties to the controversy. And he, John Morin Scott, Philip Schuyler, and George Clinton were the strongest advocates for the action of the Legislature of New York, and the proclamation of Tryon, putting a price on the heads of Allen and the other leaders of the "Green Mountain Boys."

The proper name of the third of Allen's companions was Remember *Baker*, not Barker, as the text gives it. The movement to surprise Ticonderoga originated with some members of the Connecticut Assembly in April, 1775. The project was communicated to the Committee of Safety at Cambridge, Massachusetts, where the American army then lay. They appointed Benedict Arnold Colonel and Commander-in-Chief over a body not exceeding 400 men, to reduce the Fort.

The original appointment, or commission, to Arnold, and a report of his to that Committee, of the 14th May, 1775, are here given from the original MS. in the possession of Jonathan Edwards, Esq., of New York, to whose courtesy I am indebted for their examination.

#### ARNOLD'S APPOINTMENT.

IN COMMITTEE OF SAFETY, }  
CAMBRIDGE, May 3, 1775. }

*To Benedict Arnold, Esq., Commander of a body of Troops on an expedition to subdue & take possession of the Fort of Ticonderoga:*

SIR: Confiding in your Judgement, fidelity & Valor, we do by these Presents constitute & appoint you Colonel and Commander-in-Chief over a Body of Men not exceeding four hundred, to proceed with all expedition to the Western parts of this and the neighboring Colonies, where you are directed to enlist those Men & with them forthwith to march to the Fort at Tyconderoga and use your best en-

<sup>1</sup> N. Y. Assembly Journals, 1766-76, January Session, 1773, p. 90.

deavor to reduce the same, taking possession of the Cannon, Mortars Stores, and also the vessel and the other Cannon and Stores upon the Lake ; you are to bring back with you such of the Cannon and Mortars, Stores, &c., as you shall judge may be serviceable to the Army here, leaving behind what may be necessary to secure the Post with a sufficient Garrison. You are to procure suitable Provisions and Stores for the Army, and draw upon the Committee of Safety for the amount thereof, and to act in every exigence according to your best skill and discretion for the publick interest—for which this shall be your sufficient Warrant.

BENJA. CHURCH, Jun'r.

*Chairman Com'ttee of Safety.*

By Order,

WILLIAM COOPER, Sec'y.

#### ARNOLD'S REPORT OF 14 MAY.

TIC., 14th May, 1775.

GENTLEMEN : My last was the 11th instant, per express, since which a party of men have seized on Crown Point, in which place took eleven prisoners and found sixty-one pieces cannon serviceable, and the others, fifty-three unserviceable. I ordered a party to Skenesburg, who have made him (Skene) a prisoner, and seized a small schooner which is just arrived here. I intend setting out directly in her, and Samuel Bates, with fifty men, to take possession of the sloop, which by [a few words are here unintelligible] are advised is loaded at St. John with provisions, &c., and waiting a wind for this place. Inclosed is a list of cannon, &c., here, not so Perfect as I could wish.

I am making Provision at Fort George for transporting those that will be serviceable to our army to Albany. I have ab't 100 men, and expect more every minute. Mr. Allen's Party is decreasing, and the Dispute between us is subsiding. I am extremely sorry matters have not been transacted with more prudence and judgment. Have done everything in my power [here follow a few words relating to the writer's efforts for the "Publick Service," and complaining of his having been "grossly insulted," which were subsequently erased] to preserve peace have put up with every insult [word torn out] and have it in my power to save the [word lost] I hope soon to be relieved from this Trouble, and see matters on a solid and good foundation here, until which, and I receive your orders, I am very Respectfully, Gentn, Your Hble Servt,

B. ARNOLD.

P. S.—Since writing the above, Mr. Roman concludes going to Albany to forward carriages for the cannon, previous to which will be soon [word torn out] I beg leave to observe he has been [words torn out] service here. I think him a very [word torn out] spirited gent'n, who has the service at heart, and hope he will meet with proper encouragement.

B. A.

A memorial of Samuel Holden Parsons, presented to the Connecticut Assembly in May, 1777, states "that in April, 1775, himself together with Col. Samuel Wyllys, Silas Dean, Esq., and others did undertake surprising and seizing the enemy's fort at Ticonderoga, without the knowledge of said Assembly, and for that purpose took a quantity of money from the Treasury and gave their notes and receipts for said money, all which had been expended in said service; and prayed the Assembly to cancel said notes and receipts so given to the Treasurer which amounted to the sum of £812 (Connecticut currency). The persons who signed said notes, &c., were said Parsons, Deane, Wyllys, Samuel Bishop, jr., William Williams, Thomas Mumford, Adam Babcock, Joshua Porter, Jesse Root, Ezekiel Williams, and Charles Webb; which sum was directed to be charged over to the General Government."<sup>1</sup> Sixteen men only started from Connecticut on the expedition. At Pittsfield in Berkshire County, Massachusetts, they were joined by forty or fifty more. Thence they marched to Bennington, where Allen, Warner and Baker with about two hundred and sixty of the "Bennington Mob" or "Green Mountain Boys" united with them, Allen insisting on having the command. A few more men joined at Castleton where they arrived on the seventh, and where their organization was perfected. Here, too, Arnold joined them, and attempted to take the command by virtue of the above commission, but Allen violently insisted on retaining it, and Arnold sullenly acquiesced. Early on Sunday morning, the tenth of May, 1775, Allen with eighty-three men only—all who had first crossed the lake—surprised and took the Fort.<sup>2</sup>

Allen<sup>3</sup> did not believe in Christianity, and in 1774 pub-

<sup>1</sup> Hinman's Historical Records of Connecticut, p. 31, note.

<sup>2</sup> Rivington's Gazette of May, 1775.

<sup>3</sup> Allen's birth and his non-religious tenets are thus stated in a letter by his brother Ira: "Genl. Ethan Allen was Born in Litchfield in the State of Connecticut, his father Joseph Allen was born in Coventry, his Mother Mary Baker—Born in Woodbury. When my Brother was about three years of age My Father Moved to Cornwell in Connecticut. My Brother had just began to Prepare for College when my Father died in the eighteenth year of Ethan's age, the circumstances of the family were such that he proceeded no further in his studies. My

lished at Bennington, a volume of over four hundred pages in opposition to it, entitled, "Reason the only Oracle of Man ; or, a Compenduous System of Natural Religion." He is stated to have believed in the Pythagorean doctrine of a transmigration of souls, and to have said that he expected to live again as a large white horse. Notwithstanding his non-belief in religion he attended the Presbyterian meeting-house at Bennington the Sunday following his capture of Ticonderoga. The clergyman preceded his sermon with a long prayer giving all the glory of the exploit to the God of Battles. Allen's idea of the share of Providence in the affair was very different. He kept quiet for some time, but at last gave way to his feelings, and rising up exclaimed : "Parson Dewey, please mention the fact *that Ethan Allen was there.*"

Allen, Baker and Warner were not natives of New Hampshire, as the author states, but were all born in Connecticut, and emigrated to New Hampshire.

At Philadelphia, on May 18th, 1775, the "President laid before Congress some important intelligence he received last night<sup>1</sup> by express, relative to the surprising and taking of Ticonderoga by a Detachment from Massachusetts Bay and Connecticut, which was read." Brown, the "Express," was then called in and questioned, and dismissed. After discussion a resolution was passed "that this Congress earnestly recommend it to the Committees of the Cities and Counties of New York and Albany, immediately to cause the said cannon and stores to be removed from Ticonderoga to the south end of Lake George; and if necessary to apply to the Colonies of New Hampshire, Massachusetts Bay, and Connecticut for such an additional body of forces as will be sufficient to establish a Strong Post at that place, and effectually to secure said can-

Father was of the Church of England. Ethan began early in life to dispute and argue on religious matters, after an acquaintance with Doct. Thos. Young a Deist. My brother embraced the same sentiments."—*Letter of Ira Allen to Samuel Williams of June, 1795, Hist. Mag., June, 1868, p. 281.* An essay expressing modified views on the "science of the soul" as expounded in the "Oracles," written after that work had been issued, was first published in the *Hist. Magazine*, in the numbers from April to July, 1873, from Allen's original MS.

<sup>1</sup> It then took seven days for the news to come by express to Philadelphia.

non and stores, or so many of them as it may be judged proper to keep there. And that an exact inventory be taken of all such cannon and stores, *that they may be safely returned when the restoration of the former Harmony between Great Britain and their Colonies, so ardently wished for by the latter, shall render it prudent and consistent with the overruling law of self-preservation.*"<sup>1</sup> The New Englanders, however, had no idea of obeying the Congress, and they carried the guns, as directed in Arnold's "appointment" above given, to the American army at Boston.

In a letter from Adiel Sherwood to Gov. Tilden of New York, dated "Kirkwood, Missouri, near St. Louis, July, 1875, and endorsed as received at the Executive Department July 17th, 1875, and now filed in Vol. IV. Miscellaneous MSS., in the State Library, giving accounts of revolutionary incidents he had collected in Northern New York and elsewhere, is the following account of the surprise and capture of Fort William Henry at the head of Lake George by a party of New Yorkers. It is not mentioned in any history, and *may* explain the reason why Congress ordered there the captured cannon of Fort Ticonderoga.

"About the time that Ethan Allen took Ticonderoga, a company of some ten men in the garb of hunters, commanded by Captain Pitcher, the father of Gov. Nathaniel Pitcher, and Samuel Parks as Lieutenant, captured Fort Wm. Henry at the head of Lake George. Only 4 or 5 men were in the Fort, and the object of the Americans was not suspected. These facts I had from Gov. Pitcher in 1835, also from Mr. Parkes, who resided in Saratoga Co. just opposite Sandy Hill."

The original Fort William Henry was demolished by Montcalm after he captured it in 1757, and never rebuilt. Fort George, built in its stead afterwards by the English on the rising ground a little to the east of the old site, was, and is, often called "William Henry," by mistake, and is doubtless the fort so called in the above account.

Governor Nathaniel Pitcher, of New York, the authority for the above account, was in the New York Assembly, 1806,

<sup>1</sup> Journals of Congress, 1774 to 1775, p. 103.

1815, and 1817; in the Constitutional Convention of 1821. He was elected Lieut.-Governor in 1826, and succeeded to the Governorship on the death of DeWitt Clinton, February 11, 1828, and held the office for the unexpired term. He was in the United States Congress from 1814 to 1823, and from 1831 to 1833, and died at Sandy Hill, Washington Co., N. Y., 25th May, 1836, aged 59.—*Hough's Am. Biog. Notes*, p. 326.

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#### NOTE XXI.

LEXINGTON AND BUNKER'S HILL.—HARRINGTON'S ACCOUNT OF THE FORMER, AND BURGOYNE'S VIEWS OF THE LATTER.

*Volume I., page 39, and page 51.*

THE author's brief account of the battle of Lexington, on page 39, agrees generally with the affidavits of eye-witnesses taken during the week following the event, by order of the Provincial Congress of Massachusetts, and forwarded to the Continental Congress at Philadelphia, and printed in their Journals for 1774-75, pp. 81-95, except in saying that the British were first attacked, which was not the case. Simon Winship, one of the affiants, swears that he was stopped by the troops in the road, two and a half miles from the Meeting-House and Green, and compelled to dismount, and march with the troops, "and," in his own words, "that he marched with said troops till he came within about half a quarter of a mile of said Meeting-House, where an officer commanded the troops to halt, and then to prime and load. This being done the said troops marched on till they came within a few rods of Captain Parker's company, who were partly collected on the place of parade, when said Winship observed an officer at the head of said troops flourishing his sword and with a loud voice giving the word, fire, fire, which was instantly followed by a discharge of arms from said regular troops, and said Winship is positive, and in the most solemn manner de-

clares, that there was no discharge of arms on either side till the word, fire, was given by said officer as above.

“SIMON WINSHIP.”<sup>1</sup>

In 1844, the writer of this note, then a student of the Dane Law School of Harvard University, at Cambridge, with a fellow student, Mr. Cantwell of South Carolina, visited Lexington and saw there, at his own house, in the main street of Lexington, the very road by which the British troops came and went, Harrington, the last survivor of Parker's Company present at the time of the battle. He was in good health of body and mind. He said he was present; that he was the fifer of the company, and stood at one end of the line and Parker near the other, when the British came up; that they were drawn up on the Green, about where the monument now stands, in two ranks, and stood obliquely to the road, Parker being nearest to it; that the officer in command of the British rode up and ordered them to disperse instantly; that they stood still, Parker making no reply; that the order was given a second time to disperse; that they still stood still in silence. Then the order to fire was given and obeyed, upon which, in his own words, “we all turned and ran away, and I believe they fired over our heads on purpose for none of us were hit;” that the officer instantly cried out, fire at them, fire at them. When the second fire was given two or three towards the end of the Green were shot. He also said that not over 35 or 40 men were drawn up under Parker, and that more were killed in Lexington during the attack on the British, on their return through it from Concord, than were killed in the morning.

Such was the story as Harrington gave it, and as such it is here given. At the time of the interview the writer had never seen the affidavits taken just after the battle, and did not know they existed, and Harrington did not refer to them. His name appears as one of thirty-four who make an affidavit that their company were called out at two in the morning, but “were dismissed by our Captain, John Parker, for the present, with

<sup>1</sup> Journals of Congress, 1774-75, p. 86.

orders to attend at the beat of the drum. We further testify and declare that about five o'clock in the morning, hearing our drum beat, we proceeded towards the parade, and soon found that a large body of troops were marching towards us. Some of our Company were coming up the parade, and others had reached it, at which time the Company began to disperse. Whilst our backs were turned on the troops we were fired on by them, and a number of our men were instantly killed and wounded. Not a gun was fired by any person in our Company on the Regulars, to our knowledge, before they fired on us; and they continued firing till we all made our escape.

*Signed by each of the above deponents.*<sup>1</sup>

Lexington and Bunker's Hill were the first battles in which Englishmen fought with Englishmen since Edgehill in the time of Charles the First. And both sides found that Anglo-Saxon courage and Anglo-Saxon endurance flourished as vigorously in the new world as in the old. Referring to Lexington, Lord Albemarle, in his *Life of Lord Rockingham*, well says: "More than a century and a half had elapsed since Englishmen had met Englishmen in a war embrace. In both places, Edgehill as at Lexington, the aggressions of prerogative were the original cause of feud. In both cases a great experiment was put to the issue, whether individual or national will should prevail. In both, a controversy which, a few months earlier, reason and moderation would have adjusted, was determined by the fierce tribunal of war; and in both cases, jealousy and memory of wrong done, cut the ties, and marred the features of natural brotherhood."

A few days after Bunker's Hill, Gen. Burgoyne wrote Lord Rochfort, then Secretary of State for the Colonies, and a personal friend, a long letter (given at length by de Fonblanque, in his *Political and Military Episodes in the latter half of the Eighteenth Century, derived from the Life and Correspondence of the Rt. Hon. John Burgoyne*, published in

<sup>1</sup> Journals of Congress, 1774-75, p. 88.



1876,) in which he speaks of these two battles in this language :

"It is not therefore from the principle of the measure of the 19th of April, but from the plan of the execution, and the want of preparation for the consequences, that I think may be derived great part of the perplexity and disgrace which followed." \* \* \* "At last, the enemy advanced works upon the height which commands the town and harbor ; and there seemed to want only the opening of batteries to produce a more singular and shameful event than can be found in the history of the world—a paltry skirmish (for the affair of the 19th of April was no more) inducing circumstances as rapid and as decisive as the battle of Pharsalia, and the colours of a fleet and army of Great Britain, not wrested from us, but without a conflict kicked out of America." \* \* \* "Turn your eyes first, my lord, to the behaviour of the enemy. The defence was well conceived and obstinately maintained ; the retreat was no flight ; it was even covered with bravery and military skill, and proceeded no farther than the next hill, when a new post was taken, new intrenchments instantly begun, and their numbers affording constant reliefs of workmen, they have been continued day and night ever since.

View now, my lord, the side of victory ; and first the lists of killed and wounded. If fairly given it amounts to no less than ninety-two officers, many of them an irreparable loss—a melancholy disproportion to the numbers of the private soldiers—and there is a melancholy reason for it : Though my letter passes in security, I tremble while I write it ; and let it not pass even in a whisper from your Lordship to more than *one* person ;<sup>1</sup> the zeal and intrepidity of the officers, which was without exception exemplary, was ill-seconded by the private men. Discipline, not to say courage, was wanting. In the critical moment of carrying the redoubt, the officers of some corps were left almost alone ; and what was the worst part of the confusion of these corps—all the wounds of the officers were not received from the enemy. I do not mean to convey any suspicion of backwardness in the cause of the Government among the soldiery, which ignorant people in England are apt to imagine ; and as little would I be understood to imply any dislike, or ill-will, to the officers. I believe the men attached to their regiments and exasperated against the enemy—that there has not been a desertion since the 19th of April is a proof of it—I only mean to represent that the men in the *defective* corps being ill-grounded in the great points of discipline, and the men in *all* the corps having twice felt their enemy to be more formidable than they expected, it will require some training under such generals as Howe and Clinton before they can prudently be intrusted in many exploits against such odds as the conduct and spirit of the leaders enabled them in this instance to overcome."<sup>2</sup>

<sup>1</sup> Query, the King or Lord North ?—Ed.

<sup>2</sup> De Foublanque's Burgoyne. pp. 143-7.

## NOTE XXII.

INIQUITIES AND PLUNDERINGS OF BRITISH MILITARY OFFICIALS BEFORE AND AT THE EVACUATION OF BOSTON.

*Volume I., page 54.*

BURGOYNE'S letter to a friend (not named) of Sept. 2d, 1775,<sup>1</sup> complains bitterly of the inefficiency or worse of the quarter-master, adjutant-general's department, and says that "of £50,000 that General Gage was officially informed *was* issued," he received but £10,000. "Not a guinea more is come. In what contractor or clerk's hands is the interest of that sum?"

In a previous letter to Lord Rochfort written in July,<sup>2</sup> speaking of the proposed evacuation of Boston, he says, "The execution of the measure would demand great foresight, secrecy and other management. The inhabitants friends to the Government must not be left behind; they would require a vast quantity of shipping. The merchandise in the town, great part of which belongs to absentees, and ought to be confiscated, amounts, I am told, to £300,000. That deposit ought surely to be detained; to preserve it to the proprietors, if innocent, to the public, where these should be guilty; and from the use of the enemy in both cases."

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NOTE XXIII.

THE DOUBLE RECEPTION OF WASHINGTON AND TRYON ON THE 25TH JUNE, 1775, BY ORDER OF THE NEW YORK PROVINCIAL CONGRESS.

*Volume I., pages 55 and 56.*

THE following official proceedings from the Journals of the

<sup>1</sup> De Fonblanques's Political and Military Episodes from Burgoyne's Correspondence, p. 203.

<sup>2</sup> *Ibid.*, 181.

Provincial Congress of New York, vol. 1., p. 54, shows the extraordinary action related in the text.

June 25th, 1775.

The Congress met pursuant to adjournment.

Opened with prayers by the Revd. Mr. Inglis.

PRESENT.—Peter van Brugh Livingston, Esq., President.

List of the Members was not called.

A letter from General Schuyler, dated at New Brunswick, June 24th, 1775, informing this Congress that General Washington, with his retinue, would be at Newark this morning, and requesting this Congress to send some of its members to meet him there, and advise the most proper place to cross Hudson's River in his way to New York.

*Ordered*, That Messrs. Thos. Smith, Hobart, Morris, and Montgomerie, go immediately to Newark and recommend to General Washington the place that they shall think most prudent for him to cross at.

And information being received that Governor Tryon is at the Hook, and will land at about one o'clock, Colo. Lasher was called in and requested to send one company of the militia to Powle's Hook to meet the Generals.

That he have another company this side [of] the ferry for the same purpose; that he have the residue of his battalion ready to receive either the Generals or Governor Tryon, whichever shall first arrive, and to wait on both as well as circumstances will allow.

The address of the Provincial Congress to Washington, probably drafted by Gouverneur Morris, was presented by him and Isaac Low, on the 26th, and a copy of Washington's reply was, as the record has it, "obtained to prevent mistakes," and entered on the Journal and ordered published the same afternoon.<sup>1</sup>

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#### NOTE XXIV.

THE COUSINSHIP OF SCHUYLER AND WILLIAM SMITH A MISTAKE.—TRYON AND SCHUYLER.

*Volume I., page 58.*

THE author is mistaken if he means that Schuyler and Smith were cousins by blood, for they were not; but there

<sup>1</sup> Journals Prov. Congress, pp. 55, 56.

was, it is believed, a remote connexion between their respective wives. They were, however, intimate and lifelong friends. Tryon had rather favored the Livingston party in the politics of New York and promoted Schuyler's political interest. He had also sent him on a mission to Boston relative to the New Hampshire controversy, upon which he was accompanied by Mrs. Schuyler, and met with marked attention from Governor Hutchinson.

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NOTE XXV.

SEARS AND THE SUPPLIES SENT TO GENERAL GAGE FROM  
NEW YORK.

*Volume I., page 58, note.*

SEARS'S business was trading by sea to Boston and other places. Paschal N. Smith, his son-in-law, commanded the vessel. There was no objection made to any trading, till April, 1775, when it began with opposition to sending nails, boards, and plank,—*not* provisions. After Bunker's Hill, the only supplies received in Boston were by sea, and the coasting trade was the sole reliance of the inhabitants for sustenance, except what could be spared from the supplies sent from England for the army. The following address of Ralph Thurman, and affidavit of Sears and Smith, shed light on this subject. The paper which Thurman discusses bearing no signature, except "By order of the meeting," was dated April 13, 1775; his address is dated April 15th. The result of such a public notice by him of the fact referred to in the author's note on page 58, was an excitement which caused Sears and Smith to issue an affidavit in the form of a placard dated the 17th of April, denying the charge on oath. All three papers were issued as placards, and the originals are in Vol. I. of Broad-sides, in the New York Historical Society. The first is so fully set forth in Thurman's address that it is not necessary to give it in full.

## [Thurman's Address.]

TO THE INHABITANTS OF THE CITY AND COUNTY OF NEW YORK.

Friends and Fellow Citizens,

A Paper addressed to the Inhabitants of the City and County of New York, dated the 13th Instant, in which the Sin of Messrs. *Usticks* selling nails, is declared supplying General Gage and the Army carrying on the Siege of Boston, with implements of war; (such a Farce) said to be published by Order of a Meeting of a Number of Freemen, Freeholders, Merchants and others, met at the Widow *Van De Water's*, to devise the most prudent and efficacious means for averting the impending Ruin that such a Conduct must inevitably involve us in, and to the eternal Reproach of the Community. Such Meetings I think are a Reproach to the Community and an Insult to the present Committee.<sup>1</sup>

After which Boards and Straw are declared Implements of War; and that *Robert Harding* and *Ralph Thurman* are employed to furnish the aforesaid Articles. Then comes an Invitation to the Freemen, Freeholders and other Inhabitants of the City and County, to meet at 6 o'clock this Evening, at the Liberty Pole, in order to signify their Sense on the present Occasion. I am informed Isaac Sears, Alexander McDougal, and Marinus Willett were the chief Speakers at this Meeting; that King Sears desired they would arm, and have twenty-four rounds, (this Son of Thunder makes a terrible Roaring); Mr. McDougall advised milder Measures, that the Mouths of their Persecutors might be closed; who this great Orator meant by their Persecutors is not clear; but clear it is to me, those Enemies to Peace and good Order shall not rule over me; I despise their Threats, and if the Civil Authority of this City will not keep the Peace and good Order thereof, and restrain the licentious Spirit of those arbitrary Sons of Discord, I am determined to do Justice to Liberty; I will die in her Cause, as I would wish and hope every brave American would do. He that will not defend his personal Safety, and that Liberty which the Laws of Society secure to him, is unworthy of her Blessings.

The Falsehoods contained in this anonymous Paper, are not worth refuting; nor shall I accuse King Sears, or his son Paschal Smith, with supplying the Troops with Provisions; yet cannot doubt if any other Person was to do it, they would make it an Implement of War, and declare them Enemies to their Country.

It is my earnest Request to the good Inhabitants of the City and County of New York, that should this King head a Party, to visit my House at Night, they will not mix with them: I shall defend my House, as I would the Liberties of my Country, as long as Life remains.

Ralph Thurman.

April 15, 1775.

Printed by James Rivington.

<sup>1</sup> Of Fifty-one.

S 7 4 ?

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[Affidavit of Sears &amp; Smith.]

City of }  
 New York, } ss.

Personally appeared before me Benjamin Blagge, one of his Majesty's Justices of the Peace for the City and County of New York, Isaac Sears, and Paschal N. Smith, of the said City, Merchants, who being severally sworn, depose and say, that since the shutting up of the Port of Boston, neither of them have, directly or indirectly, nor any other Person for or under them, supplied, or caused to be supplied the Army at Boston, with any Manner or Kind of Provisions whatsoever; and that neither of them have received, nor in future expect to receive any kind of Emolument or Advantage in any Respect, from the Flour, Pease, and other Provisions shipped for the Use of the Army at Boston, since the shutting up of the said Port of Boston.

Isaac Sears,  
 Paschal N. Smith.

Sworn this 17th of April, 1775, before me  
 B. Blagge.

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#### NOTE XXVI.

THE INFORMATION FROM EGBERT DUMOND WHICH CAUSED  
 GOVERNOR TRYON TO TAKE REFUGE ON BOARD SHIP.

*Volume I., page 61.*

ON the 12th Oct., 1775, a letter and several enclosures from John Hancock, President of the Continental Congress, were read in the New York Provincial Congress. One of the latter was this resolution :

" On motion made,

"*Resolved*, That it be recommended to the several Provincial Assemblies, or Conventions, and Councils, or Committees of Safety, to arrest and secure every person in their respective Colonies who is going at large, as may in their opinion endanger the safety of the Colonies or the liberties of America.

"A true copy from the minutes.

"CHARLES THOMPSON, *Secy.*

"To be kept as secret as its nature will admit."

Another enclosure was an "Extract from a letter from London, Aug., 1775," giving a résumé of a plan for the Campaign of 1775, said to have been given by Tryon to the Ministry when in England, and closing with this phrase: "It would be a capital stroke to get possession of Tryon's person."<sup>1</sup> Dumond sent copies of these papers to Tryon, who after a correspondence with the Mayor, Whitehead Hicks, in which he vainly endeavoured to obtain a pledge or assurance of protection from the Corporation and citizens, on the 19th of October removed on board the "Halifax,"<sup>2</sup> Packet ship, "where," as he informs the Mayor the same day, "I shall be ready to do such business of the Country as the situation of the Times will permit."<sup>3</sup> On the 30th of October he removed to the ship "Duchess of Gordon," lying under the protecting guns of the Asia, man-of-war. "This measure, though expensive, was necessary," he tells Lord Dartmouth on Nov. 11, 1775,<sup>4</sup> "as I could not have kept up any communication with the country had I gone on board the Asia Man-of-war. Whereas in the present situation the Friends of Government freely come to me." At the same time he enclosed him a copy of the "Extract of a letter from London Aug., 1775," above mentioned, with this significant remark, referring to its reception: "The paper marked A, was received from the Fountain-Head, and was the ground of my subsequent conduct in removing on board the Packet."<sup>5</sup>

From October, 1775, until the occupation of New York after the battle of Long Island, in September, 1776, when British civil rule was superseded by British Military rule, Governor Tryon remained, and the Council of the Province held its sessions, on board the ship Duchess of Gordon.

<sup>1</sup> Journal Prov. Congress, pp. 172, 173.

<sup>2</sup> Not the Asia, as the text states, though the Asia was then the protecting man-of-war in the harbor.

<sup>3</sup> See the Correspondence, Col. Hist. N. Y., Vol VIII., pp. 638-641.

<sup>4</sup> Ibid. 643.


<sup>5</sup> Ibid. 644.

## NOTE XXVII.

SEARS AND RIVINGTON—CONCERNING THE LIBERTY OF THE PRESS—WHY THE FORMER DESTROYED THE LATTER'S PRINTING HOUSE; AND HOW SAMUEL LOUDON BECAME THE FIRST "STATE PRINTER" OF NEW YORK.

*Volume I., pages 65-66.*

SEARS'S animosity to Rivington was of long standing. The following documents explain the cause of his violence and desire for the vengeance he inflicted upon him as described in the text, as soon as he had the opportunity and the power. The Rev. Dr. Seabury was one of the strongest writers in Rivington's paper, and Underhill and Fowler were among Seabury's warm friends. The power of the paper was very great, and its very extraordinary circulation for that period is shown by the following notice which appears in *Rivington's N. Y. Gazetteer* for Oct. 13, 1774, No. 78 :

 The weekly impression of this Gazetteer is lately increased to THREE THOUSAND SIX HUNDRED, a number far beyond the most sanguine expectations of the Printer's warmest friends; as the presses of very few, if any of his brethren, including those of Great Britain, exceed it. This paper is constantly distributed thro' every colony of North America, most of the English, French, Spanish, Dutch, and Danish, West India Islands, the principal cities and towns of Great Britain, France, Ireland, and in the Mediterranean. Such an extensive circulation fully evinces the great advantage found by every one who sends advertisements to be published in it. And whilst the printer continues to do ample justice to all opinions in the unhappy dispute with the mother country, he doubts not of being honored with the unremitted approbation and patronage of all those whom it is his highest ambition to please. The subscribers acquired by him since the 9th of June last, amount to upwards of five hundred, after allowing for every one who, by death or other causes, has diminished the number; for which, and every other instance of the public favour, he takes this opportunity of fervently expressing his grateful acknowledgements.

J. R.



*From Rivington's New York Gazetteer, &c., for Aug. 18, 1774,  
No. 70.*

Extract of a Letter<sup>1</sup> from "A Merchant of New York, to the Committee of Correspondence for the Town of Hartford in Connecticut."

But hitherto I have given you no sufficient reasons for the silence of our Committee, and lest you should attribute it to the consequence of the *threats* you have bestowed upon them, I must inform you, that they would not even suffer your letter to be read before them; to account for this I must call your attention back to the *superscription*. We could not boast of more than one Sir *Francis Wronghead* in this city, and you have found him out; and to this alone was owing the uncommon disgrace that befell your epistle. 'This *quidnunc* in politicks, who is forever thrusting himself forward as a person of the *greatest consequence*, without sense to observe the ridiculous appearance he puts on, and without penetration enough to discover that he is the *butt* of every puny jester, and the *laughing-stock* of the whole town; this profound *politician* being possessed of your letter, which he knew ought to have been directed to the *Chairman*, and could not otherwise be received by the *Committee*, might either have suppressed the letter, or have informed you of the mistake; but then he would have acted *consistently*, which is more than his enemies could ever lay to his charge. To attempt this man's character would be undertaking a task too difficult, since it presents you with nothing but a continued chain of absurdities.

He would appear as a leading man amongst us, without perceiving that he is enlisted under a *party* as a *tool* of the lowest order; a *political cracker*, sent abroad to *alarm* and *terrify*, sure to do *mischief* to the cause he means to support, and generally finishing his career in an *explosion* that often bespatters his friends.

I have known a *Statute of Lunacy* taken out, upon a degree of conduct less exceptionable than this I have described: If the relations of our *politician*, should find his estate wasted by means of his *patriotism*, and they choose to improve upon this hint, I assure them, it is heartily at their service.

A Merchant of New York.

New York, Aug. 15.

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*From Rivington's New York Gazetteer; or, Connecticut, Hudson's River, New Jersey, and Quebeck Weekly Advertiser. September 2, 1774.*

The writer of *two* of the following letters, by giving me permission to print the *last*, seems to intimate a desire of laying the *whole* before the public. I have no objection to such a proposal; it is a

<sup>1</sup> The letter was directed to I—c S—s, Esq.

Tribunal, to which I am ever ready to submit my conduct : my only request is, that judgment may be suspended until a reply appears, which for want of room must be deferred till next week.

James Rivington.

Sir,

Personal abuse has no tendency to advance the interest of the Community and therefore the most strenuous advocates for the Liberty of the Press have not contended for that Licence.

I was therefore Greatly Surprised at the illiberal and Unprovoked abuse, which you inserted against me in Your Gazetteer of the 18th Instant, under the signature of a Merchant of New York. You Cannot hope such treatment will pass unnoticed. The true & salutary Liberty of the Press is not Concerned and, therefore I shall be glad to Know without delay my abuser, the merchant of new york or shall Consider you the Author and do myself Justice.

I am Sir,

Fryday 26th Aug.  
10 o'clock.

your hume. Servt.

Isaac Sears.

To Mr. James Rivington present.

New York, August 27, 1774.

Sir,

After having been concerned so many years in conducting a newspaper, it is not necessary that I should now be told what belongs to the liberty of the press ; and if you will be at the trouble of inspecting a few of the English news-papers, or those printed at Boston, Philadelphia, and in this City, you will find the first characters in his Majesty's dominions are treated with greater freedoms than any you can discover in the piece, which, with so much unnecessary and forcible construction you have applied to yourself.

Conscious of having done nothing but what is warranted by my profession, I make no hesitation in refusing to deliver up any author, without his permission, and I am ready to defend the freedom of the press, whenever attacked in my person.

James Rivington.

Mr. Isaac Sears.

Sir,

After having published in your paper of the 18th Instant, a piece, wherein the authors intentions of mischief to the Publick, and of Injury to me are Equally conspicuous, I find your Letter, in answer to my demand of the author, that you refuse to Discover him and intend to screen him and your Self from the effects of Just resentments, by Sculking behind your press, and pleading its Liberty, the Limets of which you Boastingly pretend to be well acquainted with. However well satisfied you may be with your own abilities in that respect, it is probable you will not find many with whom you may

presume to take such Liberties as you have with me, who will be disposed to acquiesce in your Decision. As to myself, I believe you to be either an ignorant impudent pretendor to what you do not understand, or a base Servile Tool, ready to do the dirty work of any Knave who will purchase you. A press in Such

Turne over

Such hands as yours, instead of being beneficial to Society, may be Justly considered as a nuisance, tending to do both publick and private Mischief—*Free* only to do Evil, restrained from doing good.—As a test you may publish this Letter in your paper, and vindicate yourself, if you can.—you and the Author Signed *a merch't of New York*, in your paper of the 18th, I am well convinced, are a couple of base poltroons, who have dispositions to do rascally actions, and dare not appear to own them, and are therefore allmost below resentment as such I shall Know and Esteem you.

August 30th, 1774.

Isaac Sears.

To Mr. James Rivington present.

*From Rivington's New York Gazetteer; or, The Connecticut, Hudson's River, New Jersey, and Quebec Weekly Advertiser. September 8, 1774. No. 73.*

Cum tot sustineas, et tanta negotia solus,  
Res Italas armis tuteris, moribus ornes,  
Legibus emendes, in publica comoda peccem,  
Si longo sermone morer tua tempora Caesar.

Hor. ad Aug.

<sup>1</sup> Whilst you the charter of our rights maintain,  
Storm through each ward, and bawl thro' every lane,  
With strenuous zeal support the *good old cause*,  
Adorn with manners, and improve with laws,  
Much would the public suffer from the song,  
That should, O mighty Chief, detain thee long.

<sup>1</sup> That the Printer may not be accused of plagiarism, he confesses himself indebted for the greatest part of this paraphrase to the ingenious Mr. ANSTIE, author of the ode to BUCKHORSE the mirror of link-bearers, the terror of elections, and generalissimo of all blackguards, however distressed or dispersed—Billingsgate and St. Giles's contend for the honour of this hero's birth, Wapping and Covent Garden for that of his education. The author of St. Giles's Biography says (vide St. Giles's Bio. p. 97) "His great and daring spirit burst through the cloud which enveloped the dawn of his life, till like a comet carrying fire in the rear, he blazed amongst the first characters in the British empire." As both heroes belong to the tribe of Firebrands, and as there is a strong similarity in their manners and language, the Printer claims one merit in the application of the motto. The only dissimilitude which can be observed in the features of these two characters, is, that Buckhorse (having probably kept less company with gentlemen of the law) did not confine himself to the mere eloquence of words, but, like the ancient

Sire,

As I bear all the respect to the dignity of your character, which it so justly deserves, I flatter myself you will not impute it to neglect that I omitted answering your letter in my last paper. To confess the truth, as it was written in hieroglyphics, and on a new system of orthography, I found some difficulty in expounding it. With the assistance however of an ingenious friend, well versed in all the characters of the Eastern Magi, I have at length effected it. This gentleman informs me that it a kind of cabalistical mode of writing which many sages like yourself make use of to conceal their sublime mysteries from the understandings of the non-initiated. Whilst I feel a pride in being considered by you in a different light, I cannot but express my gratitude in being relieved from the panic with which your first letter had struck me. The intolerable heat of the weather, and the rays of your royal indignation collected into a focus on my devoted head, had nearly reduced me to a cinder; but (thanks to your lenity!) I am now restored to life, and liberty. Surely, great Sire, it was too much for a personage of your known moderation to thunder out so terrible an anathema. It has been obvious to the whole town, that I have been under the necessity of deserting my shop, and sculking behind the narrow limits of my press, to avoid your resentment; and who but a person of your spirit, or an arrant madman (pardon the tautology) would not have done the same? You confess yourself, that I might have met with some choleric enemy, not so disposed as yourself to acquiesce in my decision, with such a one it would have been a word and a blow. As *for you*, you are no Hotspur, but a *lover of peace*. Whatever opinion I once had of you, this good quality and your literary abilities hold an equal place in my present estimation.

Considering your talents and discernment in so high a point of light, I am not a little surprised that you should be at a loss to determine whether "I am an ignorant impudent pretender to what I don't understand, or a base servile tool ready to do the dirty work of any knave who will purchase me." It is in your power to discover whether I am the latter, by graciously condescending to offer me the office of printer to your Most Excellent Majesty: with respect to the former character, Self love would, I flatter myself, prevent your considering it as an objection. Should the salary tendered be in any wise proportionable, I may perhaps give up the pension, which *you know* I enjoy from the Court of Great Britain.

orators, used to enforce his arguments with strong and repeated action both of hands and feet. This it must be confessed is a striking difference.

Iac in re scilicet una  
Multum dissimiles, ad cætera paene gemelli.

HOR.

In this alone they differ from each other,  
Like in all else, as one egg to another.

Pardon, greate Sire, the freedom of your servant, if he presumes to remark that you do yourself great injustice in desiring him to print your letter, as a test that his press is free to do evil, and restrained from doing good. Laughter is certainly one of the greatest goods which the sons of care can possibly enjoy, and I will venture to assure you that the publication of your elaborate epistle has given the town an ample dose of it.

With respect to your offer of friendship and esteem in the close of your letter, in consequence of a fancied similarity which you have discovered in our dispositions, I must beg leave to decline them. However we may agree in other respects I am an *enemy to riots and discord*, and am apprehensive of the truth of the old adage, that two of a trade can't agree. Upon this principle, however honorable the proposal, I cannot possibly accept it. I am Sire, with profound humility,

Your *devoted* servant

James Rivington.

P. S. Since writing the above, a friend of mine (a waggish Fellow) has observed that you have made good your promise in your first letter.—“Why, says he, my Master, he threatened you with his just resentment if you did not give up your author, and he now offers you his friendship. In the name of Fortune what greater mark of vengeance could he inflict?” Your Majesty will pardon my jocular-ity—whilst *you seemed* in earnest, I was *really* so ; but as I find you are only in *joke*, I am tempted to be facetious likewise.

The outrage upon Loudon for printing the pamphlet in reply to Paine's “Common Sense,” described on page 64 and 65, was reported by him to the New York Committee of Safety, on 20 March, 1776. After stating that it was nearly completed he said, “that the Committee of Mechanics had yesterday morning prevented his going on with that work, and that some of them with some other persons have since destroyed the whole impressions by which he has sustained a loss of at least 150 pounds. The Committee desired him to make his complaint in writing under oath.<sup>1</sup> On the 13th of the succeeding April, “the memorial of Samuel Loudon, printer, with remarks on the subject, were read and filed,” which was all that the Committee of Safety did in the matter. Loudon says in the memorial, that on the 18th, Christopher Duyckinck, the Chairman, interrogated him at a meeting of

<sup>1</sup> Journals Com. of Safety, Vol. I., p. 377.

the Mechanics' Committee, to which he had been summoned, as to the author's name. "I told them that I did not know the author, and that I got the manuscript from a gentleman of this city whose name in my opinion they had no right to demand." The same night they sent six of their number to his house, who nailed up the printed sheets in boxes, except a few which were drying in an empty house, which they locked up and took the key with them. The next evening he was summoned before the General Committee of Inspection, Samuel Broone, Chairman, who advised him not to publish it or his personal safety might be endangered. He promised not to do so, but the same night "the same Mr. Duyckinck, without any commission from the Committee, attended by a considerable number, to appearance more than forty persons, who rushed into my house; some of them ran up stairs to the printing office, while others guarded the doors, and took away the whole impression of said pamphlets being about 1,500, which at a very moderate calculation amounts to £75; they carried them to the Commons and there burnt them as I have been informed." He then demands protection and compensation. In the "remarks" he says, "It is at any rate self-evident that if any set of unauthorized men shall be permitted to assume the power of legislating for their fellow-citizens, and punishing them as they please, our legal Conventions and Committees, with all the precious liberties for which we are contending will be in effect annihilated, and we will be in a more miserable slavery than would arise from the most successful exertion of all the tyrannic acts of the British Parliament.

"The freedom of the press is now insulted and infringed by some zealous advocates for liberty. A few more nocturnal assaults upon printers may totally destroy it, and America in consequence may fall a sacrifice to a more fatal despotism than that with which we are threatened."<sup>1</sup>

"The following are all the names I have as yet been able to collect of the persons who took away and burnt my pamphlets, viz.: Christopher Duychinck, John Gilbert, Thomas

<sup>1</sup> Journals Com. of Safety, Vol. I. pp. 405,6.

Pratt, John Buchanan tavern keeper of the new slip, Brower the carpenter, Becker an officer, Malcolm McEuen, a pewterer."

No action on this memorial appears in the Journals, but in the next December, on the 12th, the Committee of Safety appointed Loudon its official printer at a salary of "200 pounds per annum in quarterly payments," to publish in a weekly paper "such acts and publications" as they or a future Legislature should direct, the first quarterly payment to be "advanced to him on his publishing his first newspaper."<sup>1</sup> This was the origin of the famous journal, commonly styled "Sam Loudon's New York Packet," and thus "Deacon Loudon," as he was called, became the first New York "State Printer."<sup>1</sup>

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#### NOTE XXVIII.

##### POLITICAL OPINION OF QUEENS COUNTY—HEARD'S EXPEDITION THERE—THE PROCEEDINGS OF LEE AND SEARS.

*Volume I., page 68.*

ON Nov. 7th, 1775, an election was held at Jamaica, to determine whether Queens County should send delegates to the Provincial Convention. This election, like all elections of that day, was *viva voce*; each man openly declaring, at the hustings, on which side he voted. Elections by ballot were not introduced till long afterwards. The number of inhabitants who appeared and voted were 1,009, of whom there voted, *for* deputies, 221, and *against* deputies, 788. The poll-list of those voting "against deputies," certified by Joseph Robinson, Inspector of the Polls, was sent to the Provincial Congress, which on 21st December, 1775, passed resolutions that they "be, and hereby are, entirely put out of the protection of this Congress," and sent the list and

<sup>1</sup> Journals, Vol. I., p. 750.

their resolutions to the Continental Congress at Philadelphia.<sup>1</sup>

The Continental Congress, on the 3d of the succeeding January, adopted resolutions, declaring all who voted against deputies "out of the protection of the United Colonies; that all trade and intercourse with them cease; that none of the inhabitants travel out of the county without a certificate of the Convention of New York that such inhabitant is a friend of the American cause, and not of the number of those who voted against sending deputies to the Convention;" and that any inhabitant found out of the county without such certificate be "apprehended and imprisoned three months;" that no attorney or lawyer "ought to prosecute or defend actions for any one voting against deputies," and that if they did so they were "enemies to the American cause, and ought to be treated accordingly;" that the names of all voting against deputies be published "for a month in all their gazettes and newspapers;"<sup>2</sup> "that Colonel Nathaniel Heard, of Woodbridge, in the Colony of New Jersey, taking with him five or six hundred men, under discreet officers, do march to the western part of Queens County, and that Colonel Waterbury, of Stamford, in the Colony of Connecticut, with the like number of minute men, march to the eastern side of said county; that they enter the county on one day," and "proceed to disarm every person in said county who voted against sending deputies to Convention, cause them to deliver up their arms and ammunition on oath," and "confine in safe custody until further orders all such as refuse compliance;" that "they apprehend and secure till further orders," of Jamaica, Benjamin Whitehead, Charles Arden, Joseph French, Johannes Polhemus; of Newtown, Nathaniel Moor, John Moor, Sr., Samuel Hallett, John Moor, Jr., William Weyman, John Shoals, Jeromus Rapalje; of Flushing, John Willet; of Hempstead, Justice Gilbert Van Wyck, Daniel Kissam, Esq., Capt. Jacob Mott, Thomas Cornhill; of Rockaway,

<sup>1</sup> Journal N. Y. Prov. Con., Vol. I., p. 230.

<sup>2</sup> The account of the election proceedings and the names are to be found in the newspapers of the day.



Gabriel G. Ludlow, Richard Hewlett, Capt. Charles Hicks, Dr. Samuel Martin, Justice Samuel Clowes ; of Oyster Bay, Justice Thomas Smith ; of Hog Island, Justice John Hewlett, Capt. George Weeks, Dr. David Brooks, and Justice John Townsend.<sup>1</sup>

Gen. Charles Lee, the traitor, however, had, on his own responsibility, begun the system of "arresting, disarming, and swearing the inhabitants" in Rhode Island, in December, 1775, and on his return to Cambridge the beginning of January, 1776, strongly urged Washington, in a letter of the fifth of that month, to adopt the same course in New York and on Long Island, and detach him for the service, saying that the Connecticut volunteers, "*who will offer themselves for the service, will expect no pay but their expenses.*"<sup>2</sup> Washington assented, and on the 8th of January, 1776, gave him written "instructions" to secure New York and Long Island, in which he says: "You are to put that city into the best posture of defence which the season and circumstances will admit, disarming all such persons upon Long Island and elsewhere (and, if necessary, otherwise securing them) whose conduct and declarations have rendered them justly suspected of designs unfriendly to the views of Congress."<sup>3</sup>

The real object of this severity was *to get arms and money*. Lee's language to Hancock, in a letter from Stamford of 22d January, 1776, leaves no doubt of this. His "scheme," as he calls it, he thus describes: "It is, Sir, in the first place, to disarm all the manifestly disaffected, as well of the lower as the higher class; not on the principle of reducing them to impotence (for this, as I observed before, will not be the case) but to supply our troops with arms of which they stand in too great need. Secondly, to appraise their estates, and oblige them to deposit at least the value of one-half of their respective property, in the hands of the Continental Congress, as a security for their good behaviour. And lastly, to administer the strongest oath that can be devised, to act, defensively, and

<sup>1</sup> Journals Congress, 1776, pp. 7, 8, and 9.

<sup>2</sup> Lee Papers, Vol. I., p. 235.

<sup>3</sup> Lee Papers, Vol. I., p. 236.

offensively, in support of the common rights."<sup>1</sup> In September, 1775, preceding, the N. Y. Council of Safety had ordered all arms in the hands of non-associators to be "impressed," "appraised," and paid for to the owners, but this was not found stringent enough.<sup>2</sup>

The Continental Congress, on the 14th March, 1776, by a resolution recommended all the Colonies to disarm the "disaffected," as it calls them, "and to apply the arms taken from such persons in each respective colony in the first place to the arming the Continental troops raised in said Colony, in the next to the arming of such troops as are raised by the Colony for its own defence, and the residue to be applied to the arming of the associators (those signing the "association" or agreement to support Congress); that the arms when taken be appraised by indifferent persons, and such as are applied to the arming the Continental troops be paid for by the Congress, and the residue by the respective assemblies, conventions, or councils, or committees of safety."<sup>3</sup>

Thus the captors, or rather "disarmers," had a ready market for all they could get, a fact which explains the popularity of "disarming," and the readiness of the "Connecticut volunteers," as Lee calls them, to serve without pay.

The arms taken from the people of Queens County by Heard's expedition were given by Congress to Col. Dayton, of New Jersey.<sup>4</sup>

The order to Waterbury's regiment was countermanded, and a detachment of Stirling's troops, with volunteers from New York City, accompanied Heard, who crossed from Horn's Hook, now 92d Street, and entered Queens County at Hallet's Cove, now Astoria. How thoroughly they did their work the text shows.

Lee "appointed" Isaac Sears, who was to collect the Connecticut volunteers, as he says himself, in a letter to Washington of February 14th, 1776, "most impudently by the vir-

<sup>1</sup> Lee Papers, Vol. I., p. 249.

<sup>2</sup> Journal N. Y. Convention, Vol. I., p. 149.

<sup>3</sup> Journals Congress, 1776, p. 91.

<sup>4</sup> Journals Congress, 1776, p. 63 and p. 101.

tue of the power deputed by you to me (which power you never deputed)," "Adjutant-General with rank of Lieut.-Colonel, for the expedition. It can have no bad consequences, the man was much tickled and it added spurs to his head. He is a creature of much spirit and public virtue and ought to have his back clapped"<sup>1</sup>

On 5th March, 1776, Lee directed Sears to "offer the inclosed tests to every individual" upon a list sent him, and, in case of refusal to take the oath, "immediately to seize their persons and send them up without loss of time to Connecticut, where they can be no longer dangerous."<sup>2</sup>

The following test was published at the time as the oath imposed by General Lee upon certain obnoxious persons in Rhode Island, and is probably the same as that referred to in the text here and in previous letters :

"I, —, here, in the presence of Almighty God, as I hope for ease, honor, and comfort in this world, and happiness in the world to come, most earnestly, devoutly, and religiously do swear, that I will neither directly nor indirectly assist the wicked instruments of ministerial tyranny and villany, commonly called the king's troops and navy, by furnishing them with provisions and refreshments of any kind, unless authorized by the Continental Congress or Legislature, at present established in this particular colony of Rhode Island.

"I do also swear, by the tremendous and Almighty God, that I will neither directly nor indirectly convey any intelligence, nor give any advice to the aforesaid enemies described ; and that I pledge myself, if I should by any accident get knowledge of such treasons, to inform immediately the committee of safety.

"And, as it is justly allowed that when the rights and sacred liberties of a nation or community are invaded, neutrality is not less base and criminal than open and avowed hostility, I do further swear and pledge myself, as I hope for eternal salvation, that I will, whenever called upon by the voice of the Continental Congress, or by the Legislature of this particular colony under their direction, take up arms, and subject myself to military discipline in defence of the common rights and liberties of America. So help me God."<sup>3</sup>

Sears's report to Lee of his proceedings is in these words, *verbatim*, and strikingly depicts the man and his characteristics :

<sup>1</sup> Lee Papers, Vol. I., p. 296.

<sup>2</sup> Lee Papers, Vol. I., p. 345.

<sup>3</sup> Lee Papers, Vol. I., p. 346.

"Jamaica, March 17, 1776.

"SIR,

"It is a duty that I owe to my Command' to acquaint him of my proceedings in execut<sup>n</sup> the order he gave me. Yesterday afternoon I arrived at Newtown, and tendered the oath to four of the grate Torries, which they swallowed as hard as if it was a four pound shot, that they ware trying to git down. On this day at 11 o'clock, I came here, whare I sent out scouting parties, and have ben able to ketch but five Torries, and they of the first rank, which swallowed the oath. The houses are so scatering it is impossible to ketch many without hosses to rid after thim. But I shall exert myself to ketch the gratest part of the ringledors, and beleve I shell effect it, but not less then five days from this time. I can asure your honor they are a set of villins in this country, and beleve the better half of them are wateing for soport and intend to take up arms against us. And it is my oppinion nothing else will do but removeing the ringledors to a place of secuerty.

"From your most ob<sup>t</sup> Hum<sup>ble</sup> Sir<sup>t</sup>

"ISAAC SEARS."<sup>1</sup>

It is illustrative of the truth of the old saying, that "history repeats itself," that the loyalists and friends to government, in the late rebellion of the Southern States, very often administered the famous "iron-clad oath" of that period, and a little later, in a not dissimilar manner.

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#### NOTE XXIX.

THE TREATY OF THE CONTINENTAL CONGRESS WITH THE INDIANS AT ALBANY IN AUGUST, 1775.—SIR JOHN JOHNSON PROTECTED BY THE MOHAWKS, WHO DECIDE FOR NEUTRALITY.—THE STOCKBRIDGES TAKE UP THE HATCHET FOR THE COLONIES.

*Vol. I., p. 71.*

THE Treaty with the Indians referred to by the author was held at Albany, between the 23d of August and the 1st of

<sup>1</sup> Lee Papers, Vol. I., p. 359.

September, 1775.<sup>1</sup> It began, however, at the "German Flatts" on the 15th of August, but was adjourned to Albany, as only a few Oneidas attended; and in the meantime messengers were sent to the different nations urging their coming to Albany. Some of the Mohawks, and Oneidas, and Stockbridges appeared, but none of the other tribes of the Six Nations. It was held by the Commissioners appointed by the Continental Congress for the Northern Department,<sup>2</sup> who were Gen. Philip Schuyler, Major Joseph Hawley, Mr. Turbutt Francis, Mr. Oliver Wolcott, and Mr. Volkert P. Douw. The place was the old Dutch church of Albany, which was in the middle of State Street, at the foot of the hill upon which the capitol now stands.

The speech of the Commissioners, which was simply the "talk" adopted by Congress on 13th July, 1775, urged neutrality upon the Indians in strong terms, but said also, "We are determined to drive away the King's soldiers, and to kill and destroy all those wicked men we find in arms against the peace of the Twelve Colonies upon this island." "Island" was the term used by the Indians to denote the whole of America, and Congress, therefore, employed it in their "talk."

On July 12th, 1775, the day before Congress adopted this "talk," that body, however, had voted, that in case the Commissioners of any district "shall have satisfactory proof that the King's Superintendants, their Deputies, or Agents, or any other Person whatsoever, are active in stirring up or inciting the Indians, or any of them, to become inimical to the *American* Colonies, such Commissioner or Commissioners ought to cause such Superintendants or other Offender to be seized and kept in safe custody, until order be taken therein by a majority of the Commissioners of the Districts where

<sup>1</sup> Col. Hist. N. Y., Vol. VIII., p. 605, where the treaty is given in full. It was first published in 3 Mass. Hist. Soc. Coll., V., 75.

<sup>2</sup> Congress divided the colonies into three Indian departments, *Northern*, *Middle*, and *Southern*, and appointed Commissioners to manage each, and adopted "talks" to be made by the Commissioners to the Indians, on July 12-15, 1775.—*Journals* 1775, pp. 162-168.

such seizure is made, or by the Continental Congress, or a Committee of said Congress, to whom such seizure, with the causes of it, shall, as soon as possible after, be made known.”<sup>1</sup>

No hint whatever of this was given to the Indians at the Council, as the proceedings show.

The Commissioners had requested the Indians to appoint a sachem as a speaker, to communicate what they should lay before them, to the Six Nations. This the Indians courteously declined, and asked the Commissioners to make a selection themselves. They did so, and chose Abraham, a Mohawk,<sup>2</sup> who replied to their “talk” at length, in a speech of great eloquence and power, in which he used the following remarkable language :

“ Brothers,

“ After stating your grievances, and telling us you had not been able to obtain redress, you desired us to take no part, but to bury the hatchet. You told us it was a family quarrel ; therefore said, ‘ You Indians sit still and mind nothing but peace.’ Our great man Col. Johnson<sup>3</sup> did the same thing at Oswego ; he desired us to sit still likewise. You likewise desired us that if application should be made to us by any of the King’s officers, we would not join them. Now therefore attend and apply your ears closely. We have fully considered this matter. The resolutions of the Six Nations are not to be broken or altered. When they resolve the matter is fixed. This, then, is the determination of the Six Nations, not to take any part, as it is a family affair, but to sit still and see you fight it out. We beg you will receive this as infallible, it being our full resolution ; for we bear as much affection for the King of England’s subjects on the other side of the water as for you born on this Island. One thing more we request, which is that you represent this in a true light to the delegates from all the Colonies, and not vary, and that you observe the same regard for truth when you write to the King about these matters ; for we have ears, and shall hear, if you represent anything in a wrong point of light. We likewise desire you would inform our brothers at Boston of our determination.

“ Brothers, it is a long time since we came to this resolution. It is the result of mature deliberation. It was our declaration to Col.

<sup>1</sup> Journals Congress, 1775, p. 162.

<sup>2</sup> Col. Hist. N. Y., p. 610.

<sup>3</sup> Guy Johnson, who had been appointed Superintendent of the Indians, after the death of his uncle, Sir William Johnson, on July 11, 1774. Sir John was the son of the latter, but not his successor as Superintendent.

"Johnson.<sup>1</sup> We told him we should take no part in the quarrel and "hoped neither side would desire it. Whoever applies first we shall "think in the wrong. The resolutions of the Six Nations are not to "be broken. Of the truth of this you have a late instance. You "know what the Shawanese have of late been engaged in. They "applied to us for assistance but we refused them. Our love for "you has induced us not to meddle. If we loved you less we should "have been less resolute.

"*Brothers, attend! We beg of you to take care what you do. "You have just now made a good path; do not so soon defile it with "blood. There are many round us Caughnawagas<sup>2</sup> who are friends "to the King. Our path of peace reaches quite there. We beg all "that distance may not be defiled with blood. As for your quarrels "to the eastward along the sea-coast do as you please. But it would "hurt us to see those brought up in our own bosoms ill-used. In "particular we would mention the son of Sir William Johnson. He "is born among us and is of Dutch extraction by his mother.<sup>3</sup> He "minds his own affairs and does not intermeddle with public disputes. "We would likewise mention our father the minister who resides "among the Mohawks and was sent them by the King.<sup>4</sup> He does "not meddle in civil affairs, but instructs them in the way to heaven. "They beg he may continue in peace among them."*<sup>5</sup>

The Commissioners, in their reply, thanked them for their determination to remain quiet, and said that they were desirous the missionary should not be disturbed, but *were silent altogether as to Sir John Johnson.*

They were followed by Captain Solomon, chief of the Stockbridge Indians, who announced, that that tribe would take up the hatchet for the Colonies. He spoke as follows :

"Brothers appointed by the Twelve United Colonies,

"We thank you for taking care of us and supplying us with provisions since we have been in Albany. *Depend upon it we are "true to you and mean to join you. Wherever you go we will be by "your sides. Our bones shall lie with yours. We are determined*

<sup>1</sup> Guy Johnson, the Superintendent, at the treaty held by him at Oswego.

<sup>2</sup> These were the Mohawks of Caughnawaga on the Mohawk River, about five miles from "Johnson Hall," Sir John's residence.

<sup>3</sup> Sir John was the only son of Sir William Johnson by his wife Catherine Wisenberg, of a Dutch family on the Mohawk. Sir William had also by her two other children, both daughters, the wives of Col. Guy Johnson and Col. Daniel Claus, sisters of Sir John.

<sup>4</sup> The Rev. John Stuart, the Church of England missionary at Fort Hunter.

<sup>5</sup> N. Y. Col. Hist., Vol. VIII., pp. 621-23.

*"never to be at peace with the red coats, while they are at variance with you. We have one favour to beg. We should be glad if you would help us to establish a Minister among us, that when our men are gone to war, our women and children may have the advantage of being instructed by him. If we are conquered our lands go with yours; but if we are victorious we hope you will help us to recover our just rights."*<sup>1</sup>

To which the Commissioners replied :

"Brothers of Stockbridge,

"We have heard what you have said, and thank you. It is not in our power to answer the two questions you have put to us,—the first respecting a Minister, the second concerning your lands. We say it is not in our power to give you an answer just now; but we will represent your case to the Continental Congress, and we dare say they will re-establish you in all your just rights."

The following certificate is appended to the treaty :

"ALBANY, September 1, 1775.

"We the subscribers appointed by the honourable the Continental Congress as Commissioners for Indian Affairs for the Northern Department, do certify that the foregoing is a true copy of all matters and proceedings relative to a Treaty began with the Indians of the Six Nations and their allies at the German Flats, on Tuesday the fifteenth day of August, 1775, and finished at the City of Albany on Friday this first day of September, 1775.

"TERBUTT FRANCIS,

"OLIVER WOLCOTT,

"VOLKERT P. DOUW."<sup>2</sup>

The treaty was received by Congress on 14th September, 1775, but nothing was done until the 22d of November, 1775, when the committee, to whom it, and a letter of Mr. Douw, received on the 11th of November, was referred, made a report, which was debated, and "deferred till to-morrow"—the 23d—when it was confirmed. The report directed that the Indian trade should be opened as formerly at Albany, that Gen. Schuyler furnish the Indian Commissioners there with powder to be distributed to the Indians, that the action of Albany City as to its claim to Indian lands be investigated, that \$750 for expenses of entertaining Indians be lodged with

<sup>1</sup> N. Y. Col. Hist., Vol. VIII., p. 626.

<sup>2</sup> Ibid., p. 627.



the Commissioners, that two blacksmiths and an interpreter be appointed, and three members be added to the committee to devise a plan for trading with the Indians and obtaining goods.<sup>1</sup>

In this note the single words *Italicised* are so in the original; the other *Italics*, for the convenience of the reader, merely denote the more important parts.

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NOTE XXX.

SCHUYLER'S EXPEDITION TO JOHNSTOWN, HOW IT ORIGINATED AND WAS CARRIED OUT.

*Volume I., pages 72 and 73.*

ON the 30th of December, 1775, a special Committee of Investigation reported to the Continental Congress that "they have received intelligence that a quantity of arms and ammunition and other articles are concealed in Tryon County, in which also there are several tories armed and enlisted in the enemy's service ; whereupon,

*Resolved*, That the said Committee be directed to communicate the intelligence to General Schuyler, and in the name of Congress desire him to take the most speedy and effectual measures for securing the said arms and military stores, and for disarming the said tories, and apprehending their chiefs."<sup>1</sup>

In obedience to this resolution Schuyler proceeded as stated in the text, being compelled by the want of troops to consult the Albany Committee how to raise them, first, however, swearing that body to secrecy. A letter of Isaac Paris, Chairman of the Tryon County Committee, enclosing an affidavit of Jonathan French, Jr., that a woman told him Sir John Johnson was fortifying his house, and had 300 Indians

<sup>1</sup> Journals Con. 1775, p. 255.

<sup>2</sup> Journals of Congress, 1775, p. 310.

near it, both subsequently proved false, arrived during the consultations, and these allegations "were made the ostensible reasons of raising the militia," as Schuyler himself states in his "narrative of that little excursion," as he calls the expedition, from which the following citations are taken. And so excited were the people by them, and so great was their effect, that the General says, "I had very near if not quite three thousand men, including nine hundred of the Tryon County militia. The author's statement of 4,000 men as his force, is therefore erroneous, as well as Bancroft's that he had 2,000. Schuyler had also an affidavit of one Conner, that he was present *and saw arms secreted* in an island, in Sir John's duck-pond. This was merely the Cayadutta creek, running at the foot of the hill on which Johnson Hall stands, which had been dammed and made into an ornamental fish-pond by Sir William Johnson, some years before his death.

The Indians living at Caughnawaga on the Mohawk, five miles from Johnson Hall, were alarmed by the approach of the armed force, and a delegation met Schuyler at Schenectady on the sixteenth of January, when Abraham, the Mohawk chief, made him a speech, remonstrating against the invasion as a breach of the treaty of August, 1775, and stating that at Johnson Hall, Sir John was not fortifying, and that all things there remained as they were in the lifetime of Sir William; that they had asked him not to be the aggressor, and assured him if he was, they would pay no more attention to him; that "if our brothers of the United Colonies were the aggressors, we should treat them in the same manner."

"This is what we told Sir John, as we look upon ourselves to be the mediators between both parties." "To which Sir John replied that we knew his disposition very well, and that he had no mind to be the aggressor." "He assured us that he would not be the aggressor; but if the people came up to take away his life, he would do as well as he could, as the law of nature justified every man to stand in his own defence."

"We beg of you, brothers," Abraham continued, "to remember the engagement that was made with the twelve

United Colonies at our interview last summer, as we then engaged to open the path of peace, and to keep it undefiled from blood ; at the same time something of a different nature made its appearance. You assured us, brothers, that if any were found in our neighborhood inimical to us, that you would consider them as enemies. The *Six Nations* then supposed that the *son of Sir William* was pointed at by that expression. We then desired particularly that he might not be injured, as it was not in his power to injure the cause, and that therefore he might not be molested."

He also said that some of their warriors were alarmed and ready to take their arms, as they considered the unfriendly disposition of the Colonies verified, and would think themselves deceived if this military force came into their country, and that they were determined to be present at the interview with Sir John ; that he, Abraham, had persuaded them " to sit still for two days," till he could go and inquire into the truth of the matter, and bring them an answer. General Schuyler replied that he did not mean to interfere with the Six Nations ; that he had " full proofs that many people in Johnstown, and the neighborhood thereof, have for a considerable time past made preparations to carry into execution the wicked designs of the king's evil counsellors ; that it was by the special order of Congress that he was marching up to keep the path open, " and to prevent the people of Johnstown from cutting off the communication between us and our brethren of the Six Nations, and our other brethren living on the river ; " that he would " send a letter to Sir John inviting him to meet us on the road between this place and his house, which, if he does, we make no doubt but everything will be settled in an amicable manner ; " and that he " wished their warriors would be present at the interview."

Sir John and some of his Scotch tenants met Schuyler about sixteen miles from Schenectady, pursuant to Schuyler's written request in a letter dated Schenectady, January 16, 1776, in which, after stating that information had been received " that designs of the most dangerous tendency to the rights, liberties, properties, and even lives of his Majesty's faithful

subjects in America, who are opposed to the unconstitutional measures of his ministry, have been formed in the County of Tryon," and that he had been ordered by Congress to march troops "to contravene these dangerous designs;" and wishing to obey his orders so that no blood may be shed, he invites him to meet him at any place on his way to Johnstown; and that he and his attendants should pass and repass in safety to his abode upon "my word and honor." The letter was sent by Rutgers Bleecker and Henry Glen, and closes thus: "You will please to assure Lady Johnson, that whatever may be the result of what is now in agitation, she may rest perfectly satisfied that no indignity will be offered her."

Lady Johnson was a first cousin once removed of General Schuyler, being Mary, a daughter of the Hon. John Watts of New York, by his wife Anne (De Lancey), youngest daughter of Etienne de Lancey (the first of this name in America), whose wife and General Schuyler's mother were sisters, both being daughters of Stephanus van Cortlandt.

The first terms proposed by Schuyler, and the counter terms proposed by Sir John, were rejected by each. Schuyler then wrote Johnson to reconsider the matter, and gave him till twelve at night on Sept. 18th for an answer.

After the letter was sent, the Indian sachems called upon Schuyler, stated that Sir John had told them the contents of all the terms offered, and said that "he only meant to guard himself from insults by riotous people; that he had no unfriendly intentions against the country," and begged that his terms might be accepted. Schuyler declined, and told the Indians that if he did not comply by twelve that night he "would force him, and whoever assisted him, to a compliance." They then asked Schuyler in case his answer was not satisfactory to give him till four A.M., "that they might have time to go to him and shake his head (as they expressed it), and bring him to his senses," which was agreed to.

This original, or rather *aboriginal*, operation, proved not to be necessary, for at the hour first appointed, twelve at night, Sir John's answer came. The next morning Schuyler as-

sented to certain modifications proposed, and the affair was settled without further difficulty.

On the 19th, the arms and military stores, "a much smaller quantity than I expected," says Schuyler, "were given up." On the 20th the Highlanders, "between two and three hundred," marched to the front and grounded their arms, which were immediately secured. Schuyler also chose six of their number as hostages for the rest, pursuant to the terms of the treaty, the chief of whom was Allan McDonald. The same afternoon several field officers and Conner, the maker of the affidavit before mentioned, were sent to the island in the duck-pond, which turned out to be only twenty by twenty-eight feet in size, and about three feet above the water. When they cleared off the snow, they saw that the ground had not been broken up. They dug down to the water's edge, however, and probed the ground with sticks, swords, and other instruments, but they found nothing. The whole charge was false, and the officers unanimously reported that they were convinced *Conner was an impostor*, and he was confined at once as such.

The evening of the 20th Schuyler returned to Caughnawaga; the next day he wrote to Sir John that many of the Scotchmen had broadswords and dirks which had not been delivered up, either from inattention or wilful omission, and that they must comply with the treaty; adding: "I shall, however, expect an *eclaircissement* on this subject, and beg that you and Mr. McDonell will give it me as soon as may be," and immediately marched back to Johnstown.

As to whether there was any "*eclaircissement*," or any answer or action at all, Schuyler's report is entirely silent. What they did after they got back to Johnstown, as described in the text, the pillaging, etc., is thus mentioned, "I have had much anxiety and an incredible deal of trouble to prevent so large a body of men collected on a sudden, with so little discipline, from running into excesses. I am, however, happy that nothing material has happened that can reflect disgrace on our cause."

On 2d Feb., 1776, Schuyler's narrative was received by the

Continental Congress, and on the 5th of the same month they passed resolutions of thanks for the service,<sup>1</sup> and that his narrative be published in the newspapers. The curious reader will find it at length in the fourth series of Force's Archives, Vol. IV., pages 818 to 829.

It may be stated that the "antipathy" as the text calls it, of General Schuyler and his friends in Albany to the Johnson family, notwithstanding the blood relationship between him and Lady Johnson above mentioned, arose from the Indian trade. The Johnson influence was always, from the first arrival of Sir William in America, in 1738, in favor of the Indians and against the Albany traders, many of whom were the friends and political supporters of Schuyler, and some of them his connections. For the condition of Johnson's tomb as found in 1862, see Vol. II., page 644.

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#### NOTE XXXI.

WHY SIR JOHN JOHNSON LEFT JOHNSTON HALL.—RELEASED FROM HIS PAROLE BY SCHUYLER.—LADY JOHNSON ARRESTED AND KEPT AS A HOSTAGE.—ACTION OF SCHUYLER, WASHINGTON, LADY JOHNSON, AND THE NEW YORK CONVENTION.—THEIR PERSONAL AND OFFICIAL STATEMENTS.—THE BIRTHS, MARRIAGE, AND DEATHS OF SIR JOHN AND LADY JOHNSON.

*Volume I., pages 74-81.*

ON the 6th of March, 1776, one John Collins, a Justice of the Peace, in Tyron County, engaged in raising a company for the American service, took the affidavit of one Asa Chadwick, stating that Sir John Johnson told him he had heard how Collins was employed, which would be worse for them all; that he had sent for the Indians, and they would be down on the back settlements in six weeks, and scalp a great many people. This was sent to the Albany Committee.<sup>2</sup> It was subsequently found to be as baseless as those charging him with fortifying

<sup>1</sup> Journals of Congress, 1776, pp. 47, 48, 49.

<sup>2</sup> Force's Am. Archives, 4th Series, vol. V., p. 195.

Johnson Hall, and concealing arms on an island in his fish-pond.<sup>1</sup>

True or false, the Committee cautiously, on March 11th,

"*Resolved*, That as Sir John lives out of the county, and is at present under parole to General Schuyler, the said affidavit be laid before him to act thereupon, as he shall see convenient."

General Schuyler by letter of the 12th ordered Sir John to Albany to meet his accusers, and answer the charge.<sup>2</sup>

On the 19th Schuyler wrote the President of Congress : "Sir John Johnson was this day in town agreeable to my request ; but his accusers did not appear. He avows that he has reported that the Indians have thrown out threats that they would fall upon us ; and says it is notorious to many of our friends in the County of Tryon that they have repeatedly done it.

"I am just now informed that the Indians are already on their way to this place to hold a conference with us. We shall be greatly distressed, as we have nothing to give them." <sup>3</sup>

While these proceedings were being had, the American army was still before Boston. The above letter of Schuyler was written only two days after its evacuation, and before that event was known in Albany.

The driving of the British army from Boston at once stimulated the zeal of the American committees and officers throughout the colonies against their opponents.

Schuyler felt the pressure of the Albany Committee, and determined to seize Sir John Johnson's person. As he held his parole, given in the preceding January, this could only be done by violating it, or releasing him from it. On May 10th, just nineteen days after the above interview at Albany, Schuyler wrote Sir John, from Saratoga, that he had no doubt of his hostile intentions against the country, and, "it

<sup>1</sup> See note, xxx.

<sup>2</sup> Force, vol. V., p. 196.

<sup>3</sup> Ibid. 416. The affidavits of various persons, given in the same volume of Force, pp. 770, 771, prove the truth of Sir John's statement of the general notoriety of the Indian threats in Tryon County.

is therefore necessary for the safety of the inhabitants and the weal of the country that I should put it out of your power to embroil it in domestic confusion, and have therefore ordered you a close prisoner, and sent down to Albany, to be thence conveyed to his Excellency General Washington, *thereby discharging you from your parole.*"<sup>1</sup> Had Schuyler really believed the affidavits and information received from William Duer against Sir John, mentioned in the following letter, he never would have thus formally released him from his parole, for, if true, it was entirely unnecessary.

The letter to Sir John was to be delivered by Col. Dayton, the officer in command of the troops sent to Johnstown, who was directed to arrest him "as soon as he has read it." He was to be released from his parole, and made prisoner, *simultaneously*.

Schuyler's plan is thus given by himself in a letter to General Sullivan :<sup>2</sup>

"SARATOGA, May 14th, 1776.

"DEAR SIR,

"Some time ago an information on oath was lodged with me against Sir John Johnson, charging him with hostile intentions against us ; this has since been confirmed by further information from persons whom I am not at liberty to name.

"Judge Duer, who has taken one of the examinations, and was present at another, will inform you more particularly. This has induced the enclosed order to Col. *Dayton*, whom I beg you will detach with three hundred of his most alert men to execute this business, and to order the Commissary-General to furnish him with six days' provisions and carriages to convey it, and to prepare to send more if there should be occasion. *It is necessary that Sir John Johnson should not be apprised of their real design, and I have therefore written him on the subject of removing the Highlanders from Tryon County*, which you will please to peruse and seal, and send to him by express the soonest possible.

"I am, &c.,

"PHILIP SCHUYLER.

"To General Sullivan."

This ruse of removing the Highlanders, as the sequel shows, ruined the wily plan.

<sup>1</sup> Force, Vol. VI., Fourth Series, 643. The Italics are the editor's.

<sup>2</sup> Ibid. 641. The Italics are the editor's.



Schuyler on the 14th wrote Lady Johnson, that he must secure Sir John's person, and that, if she accompanied her husband, all due care and attention should be paid her ; but if Sir John wished her to remain, an officer's guard would be left, "to prevent any insult to yourself or your family."<sup>1</sup>

On the 18th Sir John wrote from Johnson Hall to General Schuyler : " Sir, on my return from Fort Hunter, yesterday, I received your letter<sup>2</sup> by express, acquainting me that the elder McDonald had desired to have all the clan of his name in the County of Tryon removed and subsisted. I know none of that clan but such as are my tenants, and have been for near two years supported by me with every necessary, by which means they have contracted a debt of near two thousand pounds, which they are in a likely way to discharge if left in peace. As they are under no obligation to Mr. McDonald, they refuse to comply with his extraordinary request ; therefore beg there may be no troops sent to conduct them to Albany, otherwise they will look upon it as a total breach of the treaty agreed to at Johnstown.<sup>3</sup> Mrs. McDonald showed me a letter from her husband written since he applied to Congress for leave to return to their families, in which he mentions he was told by the Congress it depended entirely upon you ; he then desired that their families might be brought down to them, but never mentioned anything with regard to moving my tenants from hence, as matters he had no right to treat of. Mrs. McDonald requested that I would inform you that neither herself, nor any of the other families, would choose to go down."<sup>4</sup>

Four days previously, however, on the 14th of May, 1776,<sup>5</sup>

<sup>1</sup> Force, 4th Series, vol. VI., p. 643.

<sup>2</sup> Ibid. 642.

<sup>3</sup> In January, 1776, as stated in Note XXX., McDonald was one of the six prisoners sent under the treaty to Congress as hostages for the Highlanders at that time.

<sup>4</sup> Ibid. 644.

<sup>5</sup> Schuyler's letters on this business, except that of the 10th to Sir John, are dated May 14, 1776, and with Dayton's report, were sent by him to Washington in a letter of May 31, 1776, the very letter, oddly enough, in which he says that about 100 persons on the New Hampshire grants, "have had a design to seize me as a Tory, and perhaps still have." Force, vol. vi., 4th Series, p. 641.

Schuyler had ordered Col. Elias Dayton, with a detachment of his regiment, to repair to Gilbert Tice's inn, at Johnstown, and secure there the Highlanders, men, women, and children. This done, the order continues, "You will let Sir John Johnson know that you have a letter from me, which you are ordered to deliver in person, and beg his attendance to receive it. If he comes, as soon as you have delivered the letter, and he has read it, you are immediately to make him a close prisoner, and carefully guard him that he may not have the least opportunity to escape." His papers were then to be seized and examined by Dayton and Wm. Duer.<sup>1</sup> Copies of any against America were to be forwarded to Schuyler, and Sir John was to be sent to Albany under a strong guard, and Schuyler notified of his arrival. They were to take especial care that nothing whatever of his property was to be injured or destroyed, except arms.<sup>2</sup>

On the 19th Dayton arrived at Johnstown, but found, as he himself reports, "that Sir John Johnson had received General Schuyler's letter<sup>3</sup> by the express; that he had consulted the Highlanders upon the contents, and that they had unanimously resolved not to deliver themselves as prisoners, but to go another way, and that Sir Johnson had determined to go with them."<sup>4</sup>

They and Sir John considered that the treaty of the preceding January, for which their hostages were then in the hands of Congress, had been thus broken by the action of Schuyler, the Albany Committee, and by Congress, and that they were thereby freed from their paroles. Moreover, Schuyler's letter of May 10th, quoted above, expressly says he has discharged Sir John Johnson from his parole. The common charge of historical writers that Sir John broke his parole is therefore *without foundation, and untrue*.

Dayton at once took possession of Johnson Hall. He sent,

<sup>1</sup> Ibid. 642. Duer was sent with Dayton as a sort of civil agent. He was the Wm. Duer who married the youngest daughter of Lord Stirling—Lady Kitty, as she was styled—and the "Judge Duer" of the above letter of Schuyler to Sullivan.

<sup>2</sup> Force, 4th Series, vol. VI., pp. 447, and 643.

<sup>3</sup> About the Highlanders.

<sup>4</sup> Force, 4th Series, vol. VI., p. 511

according to his letter of the 21st to Schuyler, an officer with a letter to Lady Johnson, informing her of his design, and requesting all the keys. Shortly after, he and two other officers called upon her. She immediately produced all the keys; they searched Sir John's papers, and the house, and placed guards all around it. Col. Dayton, thinking the guards about her would be painful, requested her to remove to Albany, where he understood she had friends; but she was averse to it, and he therefore wrote to Schuyler for directions.<sup>1</sup>

At this time Lady Johnson was far advanced in pregnancy, and had with her a sister, a young lady, and two small children.

The next day—the 25th—Schuyler writes Dayton: "I think it advisable that Lady Johnson should be moved to Albany without delay, in the most easy and commodious manner to her. You will also move all the Highlanders and their families to that place; this done you will post yourself in the most advantageous place on the Mohawk River to secure that part of the country, and remain there until further orders."<sup>2</sup>

Lady Johnson was accordingly sent down under the eye of an officer, with her sister, children, and servants, to Albany, where she remained with her relatives, Mrs. Judith Bruce, who was by birth Judith Bayard (she married first, Kilian van Rensselaer of Greenbush, and secondly, Dr. Archibald Bruce, R. A.), and Mrs. Stephen de Lancey (who was a niece of Mrs. Bruce, and whose husband was also a first cousin of Lady Johnson), till after her confinement, and until Gen. Schuyler permitted her to leave that city.

Schuyler, writing to Washington on June 12th, says: "It is the general opinion of people in Tryon County, that whilst Lady Johnson is kept a kind of hostage, Sir John will not carry matters to excess, and I have been entreated to keep her here." Her brother, Robert Watts,<sup>3</sup> applied to Wash-

<sup>1</sup> Force, 4th Series, vol. VI., p. 646.

<sup>2</sup> Ibid. 647.

<sup>3</sup> Robert Watts was the brother-in-law of William Duer, above mentioned, his wife being "Lady Mary," Lord Stirling's eldest daughter.

ington in her behalf, who was willing she should go to New York, but referred him to Schuyler, who declined to let her depart. On the 15th of June, the day Watts left Albany, he wrote to Schuyler, saying: "Mr. Watts will mention to General Washington the reasons why Gen. Schuyler does not comply with his request for Lady Johnson to go to New York." Schuyler replied he would write Washington himself, and that "you will therefore please not to give yourself the unnecessary trouble of giving General Washington *my reasons*." Watts answered: "As you will not consent to Lady Johnson going to New York, without giving two gentlemen as securities," he, Watts, would like to know, "what engagements they were to be under, as I cannot apply to any gentleman until you inform me." Schuyler closed the correspondence by saying: "As by your former note of this day's date, you seemed altogether to decline entering into such a measure, I have since again given my sentiments to his Excellency General Washington on Lady Johnson's situation in a fuller manner than I did in my former letter to him; and I shall not, therefore, proceed any further till I receive his commands."<sup>1</sup>

The next day Lady Johnson wrote to Washington the following letter, sharply complaining of Schuyler's treatment, and asking to be put under his, Washington's, protection:

"ALBANY, June 16th, 1776.

"SIR:—I take the liberty of complaining to you, as it is from you I expect redress. I was compelled to leave home, much against my inclination, and am detained here by General Schuyler, who, I am convinced, acts more out of ill nature to Sir John than from any reason that he or I have given him. As I am not allowed to return home, and my situation here made as disagreeable as it can be by repeated threats and messages from General Schuyler, too indelicate and cruel to be expected from a gentleman, I should wish to be with my friends at New York, and would prefer my captivity under your Excellency's protection to being in the power of General Schuyler, who rules with more severity than could be wished by your Excellency's

Humble servant,

"M. JOHNSON."<sup>2</sup>

<sup>1</sup> Force, 4th Series, vol. VI., p. 913.

<sup>2</sup> Force, 4th Series, vol. VI., p. 930.

Four days afterwards, on June 20th, 1776, Washington wrote Schuyler from New York, enclosing the resolves of Congress for the employment of Indians,<sup>1</sup> and urging the "most active exertions for accomplishing and carrying the whole into execution with all possible despatch;" a postscript to this letter, dated June 21st, says:

"I shall only add, Lady Johnson may remain at Albany till further directions.

"GEORGE WASHINGTON."

"TO GENERAL SCHUYLER."

She remained therefore in charge of the Albany Committee until the succeeding December, six months longer.

On the 6th of December, General Schuyler wrote them: "If the Committee agree to let Lady Johnson go down, I am sure I have no objections; but no person can be permitted to go to New York without a pass from the General commanding in Westchester County. Her Ladyship should therefore go to Fishkill, and from thence send for the necessary passport. No ill treatment I may have received can induce me to forget the laws of decorum and humanity. You will, therefore, if Lady Johnson chooses to be attended by an officer, apply in my name to Col. Gansevoort for one. On your part you will see that she is properly accommodated for her passage."<sup>2</sup>

The Albany Committee gave her a pass to Fishkill, which she enclosed (as Mrs. Bruce did likewise with a similar pass for herself) by letter of the 15th of December to Pierre van Cortlandt (who was also a first cousin of Lady Johnson's mother, and of Gen. Schuyler), President of the Convention, requesting the favor of a pass "to proceed with Capt. Man to New York."<sup>3</sup>

The Convention was sitting in New York, but soon after adjourned to Fishkill, where they sat in the Church of England edifice. Pierre van Cortlandt laid her request before the

<sup>1</sup> Of 25th May, June 3d, and June 6th, 1776. Secret Journals of Congress, vol. I., pp. 44, 45, 46.

<sup>2</sup> Force, 4th Series, vol. VI., p. 992.

<sup>3</sup> Journals Prov. Convention, vol. II., p. 251.

<sup>4</sup> Journals Prov. Con., vol. II., p. 256.

Convention, which declined to allow her to go to New York, but gave her the choice of a residence, naming four places, the houses of the two gentlemen mentioned in the text, and that of Mr. Barclay, at Walkill, in Ulster County, or to remain in Fishkill. All three gentlemen were her friends and family connections, and she chose Mr. Barclay's, in Ulster County. At Fishkill she had lodgings with Mr. Petrus Bogardus, which Mr. Gouverneur Morris had kindly obtained for her.

Mr. Tappen,<sup>1</sup> of Ulster County, was appointed a Committee "to devise means for escorting Lady Johnson to some proper and safe place of residence." He states in his report, made January 6th, 1777,<sup>2</sup> that he went to Mr. Bogardus's house, but found she had crossed the river the day before he arrived; "that your Committee likewise crossed the river, and overtook Lady Johnson at the house of Colonel Jonathan Hasbrouck, where he conferred with her on the subject of her residence," when she told him that she had chosen the Walkill for two reasons: the season of the year would not permit her three infants travelling far; and second, that she was nearly connected in family with Mr. Barclay,<sup>3</sup> at whose house she intended to put up; "that your Committee endeavored as much as in their power, consistent with the honor of this Convention, to dissuade her from going there. But she being determined to take the advantage of the resolves of this State, your Committee, therefore, at Lady Johnson's request, procured carriages, for which she paid the drivers. And your Committee did in person wait on her and escort her and her family, consisting of her ladyship, three children, Miss Watts, a nurse, one white and one negro servant, to the house lately occupied by Mr. Barclay."

The Convention ordered Mr. Tappen's "bill of expenses in escorting Lady Johnson, amounting to one pound nineteen shillings and ninepence," paid by the Secretary and charged to the Convention.

<sup>1</sup> Dr. Christopher Tappen, a brother-in-law of Gov. George Clinton.

<sup>2</sup> Journals Prov. Con., vol. I., p. 761.

<sup>3</sup> Thomas H. Barclay, who was the eldest son of Dr. Henry Barclay of Trinity Church, and whose wife, Susanna de Lancey, was a first cousin of Lady Johnson.

As the Journal of the New York Convention from Dec. 14th, 1776, to Jan. 1st, 1777, is missing, the exact language of the resolutions regarding Lady Johnson cannot be given. Tappen's report, and the author's statement, agreeing generally, show the action, but not the manner of it. Cadwalader Colden and Thomas Barclay lived near each other, in the neighborhood of Coldenham, then in Ulster County, now in Orange, and were practically one family, hence the author speaks of Mr. Colden's house in connection with Lady Johnson. Mr. Colden being a relation of both ladies, Mrs. Barclay and Lady Johnson.<sup>1</sup>

The "Major Abeel," whom Lady Johnson so strangely encountered while escaping to New York, as stated on page 81, was James, son of David Abeel, of the old New York family of that name, and Mary Duychinck, his wife. In early life a clerk in the counting-house of John Watts, of New York, Lady Johnson's father, he entered the army at the outbreak of the war, as a Captain in Lasher's regiment in the New York service, became Major, Colonel, and Deputy Quarter-Master General, and was also on Washington's Staff at Morristown. He married Gertrude Neilson, of New Jersey, and died at the house of his son David, at New Brunswick, N. J., April 25th, 1825, at the ripe age of 93. (*MS. letter of his grandson, the Rev. Gustavus Abeel, D.D., of Newark, N. J.*)

It may interest the reader to know that Sir John Johnson was born the 5th of November, 1742, and died at his residence at St. Mary's, Montreal, on Monday, January 4th, 1830, in the 88th year of his age, and was buried on the 8th in the family vault at Mount Johnson (named after the first house Sir William built on the Mohawk), on the south side of the St. Lawrence, near Montreal. Lady Johnson was born in New York, 29th October, 1753, and died at Montreal, August 7th,

<sup>1</sup> Mr. Colden and Mrs. Barclay were uncle and niece, the latter's mother, Mrs. Peter de Lancey, of West Farms, Westchester County, being Mr. Colden's sister Elizabeth. Mrs. Barclay and Lady Johnson were first cousins, the father of the former, Mr. Peter de Lancey, of West Farms, and the mother of the latter, Mrs. John Watts, of New York (Anne de Lancey), being brother and sister.

1815, in her 61st year, and was buried by her husband in the vault at Mount Johnson. They were married in New York in 1773.

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## NOTE XXXII.

THE RESOLUTION OF THE CONTINENTAL CONGRESS OF THE 6TH OF JANUARY, 1776, ON THE DEFENCE, OR DESTRUCTION, OF NEW YORK, AT THE APPROACH OF THE BRITISH FORCES.

*Volume I., page 84.*

THE resolution of Congress<sup>1</sup> referred to by the author on page 84, passed the 26th of January, 1776, is in these words :

*“Resolved,* That a committee of three be appointed to repair to New York, to consult and advise with the Council of Safety of the Colony, and with General Lee, respecting the immediate defence of the city of New York ; and that General Lee be directed to follow the determination of the said committee thereupon.

That it be an instruction to the said committee, in case the city cannot be defended, that they earnestly recommend it to the inhabitants immediately to remove their most valuable effects to a place of safety.

That the said committee be further instructed to consult with General Lee, and the Committee of Safety of New York, about the fortifications on Hudson's River, and about fortifying the pass at Hellgate ;

The members chosen, Mr. Harrison, Mr. Lynch and Mr. Allen.”<sup>2</sup>

It appears singular that no member from the Colony of New York in the Continental Congress should have been appointed by that body upon a committee thus charged with the destiny of its chief city and seaport. The possibility that the destruction of New York might be ordered by the

<sup>1</sup> Journals Congress, 1776, pp. 39-40.

<sup>2</sup> Benjamin Harrison of Virginia, Thomas Lynch of South Carolina, and Andrew Allen of Philadelphia, son of Chief Justice Wm. Allen of Pennsylvania.



Committee, in case it could not be defended, in preference to its occupation by the British, sufficiently explains the mystery.

The New York Committee of Safety wrote a letter to Lee, which he sent to the Continental Congress, urging him *not* to come to New York with his troops, for fear the British men-of-war would fire upon the city,<sup>1</sup> and destroy it, and practically saying they could defend themselves.

Lee refused, and in his reply to their President<sup>2</sup> says :

"If the ships of war are quiet I shall be quiet, but I declare solemnly that if they make a pretext of my presence to fire on the town, the first house set in flames by their guns, shall be the funeral pile of some of their best friends ; but I believe, sir, the inhabitants may rest in security on this subject. I am convinced, and every man who considers a moment must be convinced, that the destruction of the seaport towns, would, if possible, be a severer stroke to the Ministry and their instruments, than to the inhabitants themselves. The seaport towns are the only holds they have in America ; they are considered as pledges of servitude ; the menacing destruction of them may be of admirable use, but the real destruction of them must extinguish all hopes of success."

On the receipt of Lee's letter, Duane, Floyd and Wisner, the New York delegates, applied to Congress, and that body appointed the above committee "to examine into the expediency of the expedition (Lee's) and to give such directions as upon consulting you and the General might appear most prudent and advisable" ; the delegates also commended Harrison, Lynch and Allen to the New York Committee of Safety, "because the employment in which they are now engaged immediately regards the safety and preservation of the capital of our own Colony."<sup>3</sup> This Committee of Congress claimed the sole command of Lee's troops in New York, who had entered that Colony in spite of the Convention. The Committee of Safety strongly objected, and contested this claim, but finally had to yield the point,<sup>4</sup> and Lee's troops took possession of

<sup>1</sup> Journals Prov. Con., Vol. I., p. 258.

<sup>2</sup> Ibid., p. 266.

<sup>3</sup> See their letter, Journal Com. of Safety, Vol. I., p. 275.

<sup>4</sup> Ibid., 277, and 279-283.

New York City, to the horror and dismay of the inhabitants, most of whom fled at once.

Frederick Rhinelander, in a letter to Peter van Schaack, of 23d February, 1776, thus vividly describes the state of things in New York on the arrival of the American forces.

"To see the vast number of houses shut up, one would think the city almost evacuated. Women and children are scarce to be seen in the streets. Troops are daily coming in; they break open and quarter themselves in any houses they find shut up. Necessity knows no law. Private interest must give way to the public good. Mr. Jacob Walton was ordered to remove and give up his house, which is now occupied by the soldiers."<sup>1</sup>

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### NOTE XXXIII.

#### THE MISSION FROM CONGRESS TO CANADA—ITS ROMAN CATHOLIC MEMBERS—ITS RESULT.

*Volume I., page 91.*

THE author is mistaken in his statement that "two Roman Catholic priests from Maryland, by the name of Carroll," were despatched by Congress with Franklin to Canada. There *were* two Roman Catholics in the mission, but only *one* was a priest, the Rev. John Carroll, an eminent man, and subsequently the first Roman Catholic Archbishop of Baltimore. The Committee besides Franklin, were Samuel Chase, and Charles Carroll of Carrollton; both the latter delegates in Congress from Maryland, and the last a Roman Catholic. They were appointed February 15th, 1776, and on the same day Congress,

*Resolved*, That Mr. Carroll be requested to prevail on Mr. John Carroll to accompany the Committee to Canada to assist them in such matters as they shall think useful."<sup>2</sup>

<sup>1</sup> Life Peter van Schaack, p. 53.

<sup>2</sup> Journals Congress, 1776, p. 64.

The object being through him to influence the priests and people of Canada, who were Roman Catholics. Father Carroll yielded, but only on condition that he was to do no more than persuade the Canadians to remain neutral.<sup>1</sup> The "instructions" of Congress to the Committee were voted March 20th, 1776, and are quite long. Their chief object was "to form a union between said Colonies and the people of Canada."<sup>2</sup>

"They took the alarm and instantly returned;" "instantly" is perhaps too strong a word for the Committee's return, though their stay was very short. They arrived at Montreal April 29th, 1776, and held their first council the 30th. Franklin and Father Carroll left that city on their way back May 11th, but Charles Carroll and Mr. Chase did not return to Philadelphia till the middle of June.<sup>3</sup> The Mission effected nothing, and proved an entire failure.

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#### NOTE XXXIV.

##### THE RIDING OF TORIES ON RAILS THROUGH THE STREETS OF NEW YORK.

*Volume I., page 101.*

In a letter of Peter Elting to his brother-in-law, Captain, afterwards the well known Colonel, Richard Varick, written the day after the mob procession described by the author, occurs this account of it :

"New York, 13th June, 1776.

"Dear Brother :

. . . We had some Grand Toory Rides in this City this week & in particular yesterday. Several of them were handeld verry Roughly

<sup>1</sup> Brent's Biographical Sketch of Archbishop Carroll.

<sup>2</sup> See Journals of Congress, 1776, p. 100, for the instructions in full, one of which is a strong guaranty of the Roman Catholic religion and the property of that church.

<sup>3</sup> Force, 4th Series, Vol. IV., pages 587 and 1027.

Being Caried trugh the streets on Rails, there Clooths tore from there backs and there Bodies pritty well mingled with the dust. Amongst them were C——, Capt. Hardenbrook, Mr. Raplje, Mr. Queen the Poticary, and Lessly the barber. There is hardly a toory face to be seen this morning.”<sup>1</sup>

Surgeon Solomon Drowne, then at the hospital established in the buildings of King’s College, closes a letter to his father, Solomon Drowne of Providence, dated “General Hospital New York June 17<sup>th</sup>” (1776), in these words :

“Hon<sup>d</sup> Sir<sup>2</sup>

. . . . There has lately been a good deal of attention paid the Tories in this City. Some of the worst have been carried thro’ the streets (at Noonday) on rails &c.

“your dutiful son,  
SOLOMON.”

In the “Upcott Collection” in the New York Historical Society Library, Vol. IV., p. 288, is a letter dated “Staten Island, August 17, 1776,” which says :

“The persecution of the loyalists continues unremitted. Donald McLean, Theophilus Hardenbrook, young Fueter, the silversmith, and Rem Rapelje of Brooklyn, have been cruelly rode on rails, a practice most painful, dangerous, and, till now, peculiar to the *humane* republicans of New England.”

In New England, too, they also smoked tories. McFingal, Canto III., (Andrus ed. Hartford, 1856, p. 120), says :

“Have you made old Murray look less big,  
Or smoked old Williams to a Whig?”

And the note states: “The operation of smoking Tories was thus performed. The victim was confined in a close room before a large fire of green wood, and a cover applied at the top of the chimney.”

Generals Mifflin and Putnam endeavoured to stop the cruelty stated in the text, but in vain. They then complained of it to the Provincial Congress, sitting at the time in the City Hall

<sup>1</sup> Ms. letter in Library of the N.Y. Mercantile Library Association.

<sup>2</sup> Ms. letter in possession of Henry T. Drowne. Both letters have appeared in the volume of Revolutionary Documents published by the New York Mercantile Library Association.

in Wall street, before which the procession passed. That body, either, not desiring to condemn absolutely, or, perhaps, not daring to condemn, "the warm friends of liberty," as it styles them, merely disapproved the proceeding by this resolution :

"*Resolved*, That this Congress by no means approve of the riots that have happened this day ; they flatter themselves, however, that they have proceeded from a real regard to liberty and a detestation of those persons, who, by their language and conduct, have discovered themselves to be inimical to the cause of America. To urge the warm friends of liberty to decency and good order, this Congress assures the public, that effectual measures shall be taken to secure the enemies of American liberty in this Colony ; and do require the good people of this city and Colony, to desist from all riots and leave the offenders against so good a cause to be dealt with by the constitutional representatives of the Colony."<sup>1</sup>

There is no mention of this occurrence in Washington's general orders or letters. He went to Philadelphia at the request of Congress, on May 23d, leaving Putnam in command, and returned from that city to New York, June 6th, 1776. No New York newspapers of the day that are preserved refer to this matter.

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#### NOTE XXXV.

MRS. JONES, WASHINGTON, STIRLING, AND THE PASS OF JULY 4TH, 1776—HER RETURN HOME WITHOUT ITS USE, NOTWITHSTANDING WASHINGTON'S ORDER, BY THE AID OF ANTHONY RUTGERS.

*Volume I., pages 103-4.*

THE Mrs. Jones mentioned in this anecdote was the author's wife. The gentleman who delivered her note to Washington was probably Mr. John de Lancey of New York, her first cousin, who had been High Sheriff of West-

<sup>1</sup> Journals of Prov. Con., Vol. I., p. 491.

chester, and a member of the Assembly and of the Committee of Fifty-one in 1774.<sup>1</sup> The Captain Anthony Rutgers who gallantly carried her to Long Island on his own responsibility notwithstanding Washington's order, was then one of the City Members in the New York Provincial Congress, and the owner of the Rutgers estate, on the East River, nearly adjoining "Mount Pitt," the town residence of Judge and Mrs. Jones, and their warm personal friend.

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NOTE XXXVI.

THE TWO ARMIES AT NEW YORK IN 1776—THEIR SIZE AND CONDITION.

*Volume I., pages 110 and 112.*

It may interest the reader to compare the author's account of the two armies, with the official statements of each.

The official returns of Washington's army give the following figures as its strength at the different dates named. All are found in Force's Archives, Volume First of the Fifth Series.

Dates.	Total Strength.	Fit for Duty.
19th May, 1776.	8,767.	6,717.
12th June, 1776.	8,868.	6,749.
29th June, 1776.	10,368.	7,389.
20th July, 1776.	14,868.	10,106.
27th July, 1776.	15,215.	9,516.
3d August, 1776.	17,225.	10,514.

On the 9th of August, Washington, referring to this last return, wrote to the President of Congress:

"We have fit for duty 10,514, sick present 3,039, sick absent 629, in command 2,946, on furlough 97, total 17,225. In addition to these we are certain only of Col. Smallwood's battalion in case of an immediate attack. Our posts, too, are much divided,

<sup>1</sup> See Notes XIII. and XIV., *ante*.

having waters between many of them, and some distant from others fifteen miles. These circumstances sufficiently distressing of themselves are much aggravated by the sickness that prevails through the Army. Every day more or less are taken down, so that the proportion of men that may come in cannot be considered as a real and serviceable augmentation of the whole. These things are melancholy, but they are nevertheless true. I hope for better."<sup>1</sup>

On the 26th of August, the day before the battle of Brooklyn, Washington wrote to the President of Congress :

"The shifting and changing the regiments have undergone of late<sup>2</sup> has prevented their making proper returns, and of course put it out of my power to transmit a general one of the Army. However, I believe our strength is much the same as when the last was made, with the addition of nine militia regiments more from the State of Connecticut, averaging about three hundred and fifty men each."<sup>3</sup>

The "last return" was that of August 3, 1776,	
above given.....	17,225
Add nine regiments of 350 men each.....	3,150
	<hr/>

And we have a total of..... 20,375  
as *Washington's own statement of the number of his army, all told*, on the eve of the battle of Brooklyn Heights. In the same letter he says : "Our people still continue to be very sickly." As there were only 10,514 fit for duty on August 3d, the same proportion would give about 13, or 14,000 as the *effective* strength of Washington's army at New York and Brooklyn on August 26, 1776.

"Indeed," he says, in a letter of the 14th to James Bowdoin, after mentioning that a deserter that day stated Howe's force was twenty-six thousand men, and in general, very healthy, "The army under my command (which amounts to little more than half the number of effective men) are in good spirits, and will, I hope, act becoming men fight-

<sup>1</sup> Force, Fifth Series, Vol. I., p. 835.

<sup>2</sup> Owing to the appointment of four Major-Generals by Congress, and the changes of command thereby made necessary.

<sup>3</sup> Force's Fifth Series, Vol. I., p. 1158.

ing for everything worth fighting for, everything worth living for."<sup>1</sup>

Washington's "general orders" testify to the wretched condition and character of his army described in the text. That of July 23, 1776, says :

"It is with great astonishment and surprise the General hears that soldiers enlist from one corps to another, and frequently receive a bounty, and that some officers have knowingly received such men. So glaring a fraud upon the publick, and injury to the service will be punished in the most exemplary manner." That of July 24th, states: "The General sensible of the difficulty and expense of providing clothes, of almost any kind, for the troops, feels an unwillingness to recommend, much more to order, any kind of uniform; but as it is absolutely necessary that men should have clothes, and appear decent and tight, he earnestly encourages the use of hunting shirts, with long breeches made of the same cloth, gaiter fashion about the legs, to all those yet unprovided." That of July 25th: "It is with inexpressible concern the General sees soldiers fighting in the cause of liberty and their country committing crimes most destructive to the army, and which in all other armies are punishable with death." That of August 6th, robbing their produce from the market people, directs an officer from each of the guards nearest the markets "to seize any offender and send him immediately to the Guard-House reporting him also at headquarters." That of 21st August: "Marauding is become so frequent that the General expects every officer will in a spirited manner exert himself to prevent it. . . Last night a poor inhabitant was robbed of all himself and distressed family had to depend on for their winter support by certain villains, who said they belonged to the Jersey Regiment. There are more villains that wear blue than those suspected in the Jersey Regiment. . . The Army is paid to protect, not pilfer the inhabitants." The orders to Gen. Putnam, of August 25th, on this subject are still stronger, and more stringent.<sup>2</sup>

So wretchedly were his troops clad, officers and men, that by an order of May 3rd, 1776, it was established by General Washington as a mark of distinction, that the general officers, aides-de-camp, and brigade-majors, might be known to the soldiers, that a Major General should wear a purple or blue ribbon, a Brigadier, a pink or light red, the Staff and Adjutant General a green.<sup>3</sup>

<sup>1</sup> Force, Fifth Series, Vol. I., p. 952.

<sup>2</sup> See "General Orders" in Force, Fifth Series, Vol. I., under the different dates given.

<sup>3</sup> Saffell's Records Rev. War, p. 325.



The 34th Note to Beatson's "Naval and Military Memoirs of Great Britain," Vol. VI., page 44, contains the official "List of the forces under General Howe, at New York, 1776."

It is as follows :

Dragoons, 16th and 17th regiments.....	984
Foot Guards.....	1,105
Infantry, 4th, 5th, 6th, 10th, 16th, 17th, 22d, 23d, 27th, 28th, 35th, 38th, 40th, 43d, 44th, 45th, 46th, 49th, 52d, 55th, 63d, 64th and 65th—10 companies each	14,234
42d or Royal Highlanders.....	1,168
71st or General Frazer's Battalion.....	1,298
Artillery, 6 companies.....	486
Marines, 2 battalions.....	1,172
Hessians, Infantry.....	12,579
Ditto, Artillery.....	588
Total.....	34,614

On the 21st of August, 1776, a spy of Gov. Livingston of New Jersey returned from Staten Island and told him the "whole force of the enemy of every kind was thirty-five thousand men," which extraordinarily accurate information he sent to Washington the next day.<sup>1</sup>

Of this army, fifteen thousand men with forty pieces of cannon were landed on Long Island. Two brigades of Hessians (actual number not given), in addition joined them the next day, making together about twenty thousand men.<sup>2</sup> All were in high health, perfectly armed and equipped, and led by England's best Generals. In fact, this army of Howe's was the largest and best appointed army ever sent from England up to that time, and with one exception, perhaps, ever since. That exception was Wellington's army in 1815—the Waterloo army—which consisted of thirty-seven thousand men, all the force that England could then gather together, and which was only *two thousand more* than Howe had at New York in 1776. Her Crimean army in 1855 was 28,000.

The number of Washington's army is given on page 112 as 45,000. It was popularly supposed at the time, by both Americans and British, that it was about 50,000, as none but Washington, his staff, the President, and a very few members,

<sup>1</sup> Force, Fifth Series, Vol. I., p. 1531.

<sup>2</sup> Beatson, Vol. IV., pp. 157-8.

of Congress, knew the real number, which wassedulously concealed from the world. General Silliman, then with his brigade in New York, on July 31st wrote his wife, "By the paper sent herewith, you will see that our forces here, and here about, are said to be 50,000. Depend upon it, that they are but little more than half that number. How many they do amount to, I can't tell, because the General, from first to last, never has told how many he has got."<sup>1</sup> Francis Lewis, himself a delegate to Congress, in a letter of 27th August puts it at "upwards of 30,000 on York and Long Island," and "about 20,000" in Jersey.<sup>2</sup> General Mercer, the Commander of the troops in Jersey, whom Washington ordered to join him on 27th August "with all the army under his command," wrote President Hancock at 5 o'clock, August 28th, "Our whole force, including the Jersey militia, from Powles Hook to Shrewsbury, amounts to eight thousand and three hundred."<sup>3</sup> If, however, the militia of the different Colonies had answered the calls of Congress of June 3d, and of Washington and the American Governors, in the end of July and beginning of August, 1776, his number would have very far exceeded 45,000. But they would not come. Connecticut promised through Governor Trumbull fourteen regiments,<sup>4</sup> but could only send nine. A very few men joined from Jersey, but from the other colonies, prior to the battle of Brooklyn, came no militia. The truth is, the people generally would not turn out. "The masses," to use a modern expression, were not yet in favor of independence, although it had been declared about six weeks before. They could not make up their minds to fight against the only supreme government they had ever known, to take up arms against him whom they called "*the King*," and the country they called "Home." Royal obstinacy, and ministerial folly, in England, and military stupidity, or worse, in America, however, rapidly and effectually "changed all that," and nerved the colonists for the struggle they so happily won.

<sup>1</sup> Ms. Letter.

<sup>2</sup> Force, Fifth Series, Vol. I., p. 1180.

<sup>3</sup> Force, Fifth Series, Vol. I., p. 1193.

<sup>4</sup> Force, Fifth Series, Vol. I., p. 925.

## NOTE XXXVII.

THE LANDING OF THE BRITISH, COWARDICE OF THE CONNECTICUT TROOPS, AND WASHINGTON'S ANGER AND DESPAIR, AT KIP'S BAY, ON SUNDAY, THE 15TH OF SEPTEMBER, 1776.—ESCAPE OF SILLIMAN'S BRIGADE FROM BAYARD'S HILL.—ACTION OF THE 16TH AT HARLEM HEIGHTS.—SILLIMAN SAVED ON THE 15TH BY AARON BURR.—BURR'S PROJECTED HISTORY OF THE REVOLUTION, AND HIS STATEMENT REGARDING THE REAL ACTORS, AND THE COMMON ACCOUNTS, OF THAT PERIOD.—AN EARLY CONNECTICUT PROJECTILE.

*Vol. I., p. 119.*

THE following succinct account of the scenes and events of September 15th, and 16th, 1776, was written on the 17th, by General Nathaniel Greene to Governor Cooke of Rhode Island:

“Camp at HARLEM HEIGHTS, Sept. 17th, 1776.

“SIR.—I suppose you have heard of the retreat from Long Island, and the evacuation of New York. The retreats were both judicious and necessary, our numbers being very insufficient to hold such an extent of ground. His Excellency had proposed to evacuate the city and suburbs of New York some time before the enemy made their last landing, and had the Quartermaster-General been able to furnish the necessary wagons to remove the stores and baggage, the retreat would have been effected in good order, had the enemy delayed their landing twenty-four hours longer. Almost all the old standing regiments were drawn out of the city in order to oppose the enemy at Hell Gate, where they made the appearance of a very large body of troops, and movements as if they intended a landing.

“We made a miserable disorderly retreat from New York, owing to the disorderly conduct of the militia, who ran at the appearance of the enemy's advance guard; this was General Fellows's brigade. They struck a panic into the troops in the rear, and Fellows's and Parsons's whole brigade ran away from about fifty men, and left his Excellency on the ground, within eighty yards of the enemy, so vexed at the infamous conduct of the troops that he sought death rather than life.<sup>1</sup>

<sup>1</sup> See letter of Col. Nicholas Fish, giving a vivid account of the “dastardly conduct,” as Washington called it, of the Connecticut troops, *Historical Magazine*,

"The retreat was on the 14th, of this instant, from New York; most of the troops got off, but we lost a prodigious deal of baggage and stores. On the 16th we had a skirmish at Harlem Heights; a party of about 1,000 came and attacked our advanced post. They met with a very different kind of reception from what they did the day before. The fire continued about an hour, and the enemy retreated; our people pursued them, and by the spirited conduct of General Putnam and Colonel Reed, the Adjutant-General, our people advanced upon the plain ground without cover, and attacked them and drove them back. His Excellency sent and ordered a timely retreat to our advanced post, for he discovered, or concluded, the enemy would send a large reinforcement, as their main body lay near by. I was sick when the army retreated from Long Island, which, by the by, was the best effected retreat I ever read or heard of, considering the difficulty of the retreat.

"The army now remains quiet, but expect an attack every day. Colonel Varnum's and Col. Hitchcock's regiments were in the last action, and behaved nobly; but neither of the Colonels were with them, both being absent, one sick, and the other taking care of the sick."<sup>1</sup>

General Howe's official despatch to Lord George Germaine, of the 21st of September, 1776, says of the landing at Kip's Bay, "the fire of the ships was so incessant the enemy could not remain in their works, and the landing was made without the least opposition."<sup>2</sup>

Sir Henry Clinton's copy of "Stedman's History of the American War, 2 vols. 4to, London, 1794," with his own manuscript marginal notes, each signed "C.", was procured for his own great library by the late John Carter Brown, of Providence. These volumes have been most kindly placed in the editor's hands, for use in this work, by Mr. John R. Bartlett, the learned and courteous custodian and librarian of that invaluable and most complete collection of works relating to America.

Regarding the landing at Kip's Bay, Sir Henry writes: "The Rebels had by a feint (as they supposed it at least)

Second Series, Vol. III., p. 33; also Harrison's and Washington's letters to the President of Congress, and to Governor Cooke, of Rhode Island, Force, Fifth Series, Vol. II., pp. 351 and 369; and Gordon's Hist., Vol. II. p. 327.

<sup>1</sup> Force, Fifth Series, Vol. II., p. 370.

<sup>2</sup> Force, Fifth Series, Vol. II., p. 378. There were five ships covering the landing.

been drawn from their entrenchments. The navy, by firing round shot, prevented their return to them."

Stedman states (Vol. 1, p. 208) that Howe, instead of landing at New York, ought to have thrown his army around Kingsbridge and thus hemmed in the whole American army. Sir Henry Clinton's comment is, "This had been recommended to Sir Wm. Howe: perhaps, however, New York was necessary for the fleet."

As to the skirmish at Harlem Heights, on the 16th of September, he says: "The ungovernable impetuosity of the light troops drew us into this scrape."

The following extracts from the private letters of Gen. Gold Selleck Silliman to his wife, one written on the morning of the 16th, the other on the 17th, state clearly the facts and events of the 15th and 16th of September, 1776. They are now printed for the first time.<sup>1</sup>

*Gen. Silliman to Mrs. Silliman.*

"MONDAY, 16th, 9 o'clock. A.M.,

"From the Camp 4 miles below King's Bridge.

"The affair of yesterday was most unfortunate—The Army are all here & between here & King's Bridge & at King's Bridge. The enemy are in possession of New York & all between here & there. My Brigade was left in New York the last of all & the enemy landed between me & the rest of the Army & cut off all communication. My way was hedged up but the Lord opened it. I brought in all my Brigade except a few—It was some time in the night before I got in—It was expected by the Army as well as myself that I & my Brigade must perish."

*Gen. Silliman to Mrs. Silliman.*

"HARLEM HEIGHTS, 17 Sept., 1776, 2 o'clock. P.M.

"Yesterday at 7 o'clock in the morning we were alarmed with the sight of a considerable number of the enemy on the Plains below us about a mile distant—Our Brigades which form a line across the Island where I am were immediately ordered under arms—but as the enemy did not immediately advance we grounded our arms &

<sup>1</sup> From the originals, belonging to his granddaughter, Mrs. Oliver H. Hubbard, and by her kind permission.

took spades & shovels & went to work & before night had thrown up lines across the Island—There was nothing before but three little redoubts in about a mile & we are at work this day in strengthening them. But yesterday a little before noon we heard a strong firing about half a mile below us in the woods near where we had two Brigades lying as an advanced guard. The enemy in a large body advanced in the woods a little before 12 o'clock & began a heavy fire on those two Brigades who maintained the fire obstinately for some time & then they were reinforced by several regiments & the fire continued very heavy from the musketry & from field pieces about two hours in which time our people drove the regulars back from post to post about a mile and a half & then left them pretty well satisfied with their dinner since which they have been very quiet. Our loss on this occasion by the best information is about 25 killed & 40 or 50 wounded. The enemy by the best accounts have suffered much more than we.

“A prisoner we have I am told says that Gen<sup>l</sup> Howe himself commanded the regulars & Gen<sup>l</sup> Washington & Gen<sup>l</sup> Putnam were both with our Troops. They have found now that when we meet them on equal ground we are not a set of people that will run from them—but that they have now had a pretty good drubbing, tho' this was an action between but a small party of the army. I wish I could give you as good an account of our leaving New York. That is an unfortunate affair. On the morning of last Sabbath (the 15th) we had news that the regulars on Long Island were in motion as tho' they would cross the East river & land about 3 miles above the city. At this place lay their ships close in with our shore & soon after the regulars marched in a large body down to the shore & embarked on Board their flat bottomed boats. Upon this their ships began a most incessant fire on our lines opposite to them with their grape shot from which they were distant but about 50 rods & behind which lay Gen<sup>l</sup> Wadsworth's & Co<sup>l</sup> Douglas's Brigades & until the fire was so hot from the Ships that they were obliged to retreat. On this the regulars landed & fired upon them which completed their confusion & they ran away up here & are here now—but a part of them were out in yesterdays action & behaved nobly. Now as to myself & my brigade. We were left to guard the City until all the rest of the troops were drawn off & about half an hour or an hour after all the other troops were gone I was ordered with my brigade to march out of the City & man the lines on the East river opposite to Bayards Hill fort. There I marched & saw the regular army land above me & spread across the island from one river to the other—until my retreat seemed to be entirely cut off & soon after received an order to retreat if I could. I attempted it along up through the woods by the North river, when I came in sight of the enemy several times but kept my brigade covered in the woods, so that I got thro' them to their uppermost guard, & they pursued & fired on my rear & took a few of my men. I immediately formed about 300 of my rear on an

Hill to oppose them. On seeing this the regulars fled, & I pursued my retreat & got my brigade safe here where I am now posted—a particular detail of the risk I ran must be deferred—'Twas supposed by every body here that I & my brigade were entirely cut off."

General Silliman and his brigade were saved by the acuteness and presence of mind of Aaron Burr, who himself related the circumstance to the General's grandson, the Hon. Benjamin D. Silliman, of Brooklyn, in 1833. That distinguished jurist, and gentleman, at the request of the editor, courteously wrote him the following striking account of his visit to Colonel Burr, which not only gives the fact above mentioned, but also that of Burr's intention, and preparations, in 1791, to write a history of the American Revolution, and his view, of the public men who really carried it through, and of the received accounts of that great contest :

NEW YORK, Jan. 22, 1876.

EDWARD F. DE LANCEY, ESQ. :

My dear Sir :—My interview with Aaron Burr was so many years ago, that I almost hesitate at stating the conversation ; but the whole was to me then so interesting, and made such a strong impression on my mind, that I have few misgivings as to the correctness of my recollection of what he stated, though I, of course, cannot repeat his words. Dr. David Hosack called with me and introduced me to the Colonel, whose residence was on the east side of Broadway, in *Read* street, I think, and about the rear of the spot on which now stands Stewart's lower store. On my name being mentioned Colonel Burr received me cordially and told me that he knew my grandfather well. He spoke of the period of the Revolution, and its men and events, with much interest.

In reference to the withdrawal of our troops from the city after the battle of Long Island, he said that he was at the time acting as an aid, if I mistake not, and that in reconnoitering the rear of our retreating forces he saw a body of Americans in a work called "Bunker Hill," about midway between Broadway and the Bowery, and about on the line of what is now Grand street.

The British were then in pursuit of the retreating Americans, and it was obvious to Colonel Burr that they would soon be able to cut off the men who were posted at "Bunker Hill." <sup>1</sup> He galloped to

<sup>1</sup> This name was given to Bayard's Hill when fortified by the Americans in 1776, in honor of the famous engagement at Charlestown. It was on the line of the present Grand street, east of Centre, and sloped southerly toward the Collect Pond. Entrenchments extended from it east and west. Burr was an aid of Putnam.

the spot, and found that the party were in command of General (then *Colonel*, I presume) Silliman, whom he urged immediately to withdraw, saying to him that he had not a moment to lose, and that he would surely be captured unless he at once retreated. General Silliman replied that he was of the same opinion, but that he would not retreat, as his orders were to hold the post until directed to withdraw, and that he should do his best to obey the order.

I have heard, and am almost sure Burr told me that he thereupon rode a short distance behind some object (or a hill, I am not certain which) and then galloped back to the intrenchment, calling to General Silliman, and telling him that he was ordered to withdraw immediately, and the latter, supposing this improvised order to be an official one, at once obeyed, and brought off his men with some, but comparatively small, loss.

I asked Colonel Burr whether we had at this day a generally correct idea and estimate of the relative influence and consequence of the public men of that period, and whether the received history truly informed us as to who really influenced and controlled the affairs of the Revolution. He replied that nothing was less true or just than the common understanding on the subject. He said that the minor and immaterial men to a great degree loomed in history as the governing and controlling men of the period, while a large proportion of those who did achieve what was most important—whose counsels and wisdom swayed and governed—were unknown to this day, except (if at all) as the second-rate actors.

He said that he intended to write the history (or a historical work on the subject) of the Revolution, and that when he went to the Senate in 1791 he employed himself very busily from daylight until 10 A.M. daily (having his breakfast sent him from a neighboring café) on week days, and Sundays all day, in transcribing from records, the existence and location of which he knew; that he had thus collated several boxes full of MS. as material for his intended work; that his whole labor was lost by the destruction of all his MS. Whether he stated it, or whether I have heard it since, I am not *sure*, but I am under the impression that he said the papers were in the vessel in which his daughter, Mrs. Allston, was lost at sea.<sup>1</sup>

He added that his toil in procuring the MS. was too great to be repeated by him, and that with the loss of these papers he abandoned his projected work.

I asked him why he could not write an outline history, giving his general statement without the official vouchers and details.

He replied that he had no longer a motive to do it; that he had outlived all for, or of, whom he would wish to write.

He added, bitterly, that it would be useless to write such a work now, as the world had adopted, and believed, the lie; that it would

<sup>1</sup> Burr was appointed Senator, January 19, 1791, and served till 1797. He came back from Europe in 1812, and Mrs. Allston was lost in January, 1813. He died in 1836.



not be undeceived, and that the world had always rather repose in a lie than in truth.

Dr. Hosack gave me interesting statements respecting Colonel Burr, and especially of his deportment after the duel with Hamilton.

Well, my dear sir, I ought to apologize to you for this long digression from the only point to which you alluded, respecting my interview with Colonel Burr, and when I took up my pen I had no intention of going beyond that. Pray excuse my unpremeditated ramble.

As you have seen my unfortunate chirography heretofore, I need not apologize, but think you will thank me for resorting to another hand in penning this note.

I am, dear sir, respectfully and truly yours,  
BENJ. D. SILLIMAN.

It will be seen that the above letter of Mr. Silliman does not mention the date of the visit, but, in a subsequent letter, of February 16th, 1876, on his attention being called to the oversight, after stating it was in "1832-3," he says, "Of course it was in one of the two years, and I have reason for thinking it was in the later of them"—that is, in 1833.

In the encampments at Kip's Bay, from which the Connecticut troops ran away, was found the missile described below, by Howe and Washington, one of the earliest of "Yankee Notions" in projectiles known :

General Howe, at the end of his letter of the 21st Sept., 1776, to Washington, on an exchange of prisoners, adds : "My Aide-de-camp, charged with the delivery of this letter, will present you with a ball, cut and fixed to the ends of a nail, taken from a number of the same kind found in the encampments quitted by your troops on the 15th instant. I do not make any comment on such unwarrantable and malicious practices, being well assured the contrivance has not come to your knowledge."<sup>1</sup> Washington closes his reply, of the 23d, in these words : "Your Aide-de-camp delivered me the ball you mention, which was the first of the kind I ever saw or heard of. You may depend the contrivance is highly abhorred by me, and every measure shall be taken to prevent so wicked and infamous a practice being adopted in this army."<sup>2</sup>

<sup>1</sup> Force, Fifth Series, Vol. II., p. 438.

<sup>2</sup> Ibid., 464.

## NOTE XXXVIII.

THE GREAT FIRE IN NEW YORK ON SEPTEMBER 21ST, 1776  
—THE OFFICIAL STATEMENTS OF THE EVENT, AND  
THE OCCURRENCES BEFORE AND AFTER IT HAPPENED.

*Volume I., p. 120.*

THE second day after the fire, the 23d, General Howe wrote the following account of it to Lord George Germain :

"MY LORD,—Between the 20th and 21st instant, at midnight, a most horrid attempt was made by a number of wretches to burn the town of New York, in which they succeeded too well, having set it on fire in several places with matches and combustibles that had been prepared with great art and ingenuity. Many were detected in the fact, and some killed upon the spot by the enraged troops in garrison ; and had it not been for the exertions of Major-General Robertson, the officers under his command in the town, and the brigade of guards detached from the camp, the whole must infallibly have been consumed, as the night was extremely windy.

"The destruction is computed to be about one-quarter of the town ; and we have reason to suspect there are villains still lurking there ready to finish the work they have begun ; one person, escaping the pursuit of a sentinel the following night, having declared that he would again set fire to the town the first opportunity. The strictest search was made after these incendiaries, and the most effectual measures taken to guard against the perpetration of their villainous and wicked designs"<sup>1</sup>

At the written request of Washington, of the 17th of August, 1776, the New York Provincial Convention the same day "Resolved, that the women, children, and infirm persons in the city of New York be immediately removed from the said city, agreeable to General Washington's request of this House, in his letter of this date," and they appointed a Committee and voted £200 to carry out the resolution.<sup>2</sup> On the 22d the following letter to his Excellency General Washington, relative to a report that the city of New York was to be burnt if the troops left it, was read and approved :

"Sir—The Convention of this State have received information from one of the Deputies of the city and county of New York, of a report prevailing amongst the army, that if the fortune of war should oblige our troops to abandon that city, it should be immediately burnt

<sup>1</sup> Howe's despatch. Force, Fifth Series, Vol. II., p. 380 ; also p. 462.

<sup>2</sup> Journals of Prov. Con., Vol. I., p. 578.

by the retreating soldiery, and that any man is authorized to set it on fire.

The Convention will cheerfully submit to the fatal necessity of destroying that valuable city, whenever your Excellency shall deem it essential to the safety of this State, or the general interests of America. Yet the duty which they owe to their constituents, obliges them to take every possible precaution, that twenty thousand inhabitants may not be reduced to misery by the act of wanton individuals. They therefore entreat of your Excellency to take such measures in preventing the evil tendency of such a report as you shall deem most expedient."<sup>1</sup>

Washington replied on the 23d: "Gentlemen, I am favored with yours of the 22d, acquainting me with a report now circulating, 'that if the American army should be obliged to retreat from this city, any individual may set it on fire.'

"I can assure you, gentlemen, this report is not founded on the least authority from me; on the other hand, I am so sensible of the value of such a city, and the consequences of its destruction to many worthy citizens and their families, that nothing but the last necessity, and that such as would justify me to the whole world, would induce me to give orders for that purpose. The unwillingness shewn by many families to remove, notwithstanding your and my recommendation, may have led some persons to propagate the report, with honest and innocent intentions. But as your letter first informed me of it, I cannot pretend to say by whom or for what purpose it has been done."<sup>2</sup>

The idea of burning New York was therefore a matter of common report, in the city and army, the week before the battle of Brooklyn Heights. After that event it was not only talked of generally, but was discussed as a matter of military policy by the American generals. On the second of September, Washington, who till then had never doubted being able to defend New York, submitted the question to Congress:

"If we should be obliged to abandon the town, should it stand as winter-quarters for the enemy? \* \* \* \* At present I dare say the enemy mean to preserve it if they can. If Congress, therefore, should resolve on the destruction of it, the resolution should be a profound secret, or the knowledge of it will make a capital change in their plans."<sup>3</sup> The very next day, September 3d, President Hancock wrote him, that Congress, on considering his letter of the 2d, "came to a resolution in a committee of the whole house, that no damage should be done to the city of New York."<sup>4</sup>

<sup>1</sup> Ibid., p. 584. Ibid., Vol. II., p. 478.

<sup>2</sup> Ibid., Vol. II., p. 272.

<sup>3</sup> See his letter. Force, Fifth Series, Vol. II., p. 121.

<sup>4</sup> Ibid., p. 135.

Two days afterward, on the 5th of September, General Nathaniel Greene wrote a private letter to Washington on the state of the American cause, and what should be done, in which he expressly says: "The sacrifice of the vast property of New York and the suburbs, I hope has no influence on your Excellency's measures. Remember the King of France. When Charles the Fifth, Emperor of Germany, invaded his kingdom, he laid whole provinces waste; and by that policy he starved and ruined Charles's army, and defeated him without fighting a battle. Two-thirds of the property of the city of New York and the suburbs belongs to the Tories. We have no very great reason to run any considerable risk for its defence. If we attempt to hold the city and island, and should not be able finally, we shall be wasting time unnecessarily, and betray a defect of judgment, if no worse misfortune attend it.

"I give it as my opinion that a general and speedy retreat is absolutely necessary, and that the honor and interest of America require it. *I would burn the city and suburbs*, and that for the following reasons: If the enemy gets possession of the city, we never can recover the possession without a superior naval force to theirs; it will deprive the enemy of an opportunity of barracking their whole army together, which, if they would do, would be a very great security. It will deprive them of a general market; the price of things would prove a temptation to our people to supply them for the sake of the gain, in direct violation of the laws of their country.

"All these advantages would result from the destruction of the city, and not one benefit can arise to us from its preservation, that I can conceive of. Should your Excellency agree with me with respect to the two first points, that is, that a speedy and general retreat is necessary, *and also that the city and suburbs should be burned*, I would advise to call a general council upon that question, and take every general officer's opinion upon it."<sup>1</sup>

Washington did so, on the 7th of September, when the whole council of general officers met to decide on a general course to be adopted. The minority were for "a total and immediate removal from the city;" the majority for its defence, by three divisions, 5,000 within the city, 9,000 at Kingsbridge, the remainder to occupy the intermediate space, and support either of the other two. "Nor were some of the latter," says Washington, in communicating the result to Hancock, on the 8th, "a little influenced in their opinion, to whom the determination of Congress was known against an evacuation totally, as they were led to suspect Congress wished it to be maintained at every hazard." In the same letter, the only authority for what occurred in this council, he continues: "That the enemy mean to winter in New York, there can be no doubt; that with such an armament they can drive us out is equally clear. The Congress having

<sup>1</sup> Ibid. 182-3. The italics, not in the original, are merely given for the easier guidance of the reader's eye.

resolved that it should not be destroyed, nothing seems to remain but to determine the time of their taking possession."<sup>1</sup>

When this letter was read in Congress, on the 10th, that body at once "Resolved, that the President inform General Washington, it was by no means the sense of Congress, in their Resolve of the 30th inst., respecting New York, that the Army, or any part of it, should remain in that city a moment longer than he shall think it proper for the publick service that the troops be continued there."<sup>2</sup>

The next day General Greene and six brigadiers petitioned Washington to call a council of war to *reconsider* the decision of the 7th to defend the city. He did so the succeeding day, the 12th, at M'Dougall's quarters, when ten generals—Beall, Scott, Fellows, Wadsworth, Nixon, M'Dougall, Parsons, Mifflin, Greene, and Putnam—voted to reconsider and evacuate; and three—Spencer, Clinton (George), and Heath—to adhere and defend.<sup>3</sup>

This was all of the *official* action on the subject. The evacuation began on the 14th, but was interrupted and stopped by ships of war in the North River, and the landing of the British at Kips Bay, on the 15th. At midnight, between Friday and Saturday, the 20th and 21st, five days after the British landed, the fire occurred. Washington, in a letter of the 23d to Governor Trumbull, says :

"On Friday night, about eleven or twelve o'clock, a fire broke out in the city of New York, which, burning rapidly till after sunrise next morning, destroyed a great number of houses. By what means it happened we do not know; but the gentleman who brought the letter from General Howe last night,<sup>4</sup> and who was one of his Aid-de-Camps, informed General Reed that several of our countrymen had been punished with various deaths on account of it; some by hanging, others by burning, &c., alleging that they were apprehended when committing the fact."<sup>5</sup>

General Silliman, then with his brigade at Harlem Heights, wrote to his wife, on the 22d, that "A most extraordinary manœuvre of the enemy has taken place. The night before last, about midnight, a tremendous fire was seen from our lines to the southward, which continued the whole night, and it is said was burning all day yesterday. We are about ten miles from New York, and we thought it must be the city, and yesterday I am informed an officer came over

<sup>1</sup> See the Letter, *ibid.*, 237.

<sup>2</sup> *Ibid.*, 1335.

<sup>3</sup> *Ibid.*, pp. 325-328, and 330.

<sup>4</sup> Offering to exchange Lord Stirling for Gov. Montfort Brown.

<sup>5</sup> Force, Fifth Series, Vol. XI., p. 466. The Aid was Captain Montresor.

from the Jersey shore opposite to New York, and said that the city was almost all in ashes, and the rest of it was burning as fast as it could, and that the fire was seen first about midnight on the east side of the town near where I used to live, and that very quick the fire appeared in ten or twelve places in different parts of the town. 'Tis supposed it must be the regulars who fired it, and why they should do it I can't conceive, unless they are going to some other place, which I see no signs of."<sup>1</sup> Two days subsequently, on the 25th, he again wrote Mrs. Silliman :

"I find now that all the city was not burnt, but only that part that lay next to the Grand Battery and so up the Broad Way, and I believe it was not the regulars, but some of our own people in the city that set it on fire, for they executed several of our friends there for it the next day."<sup>2</sup>

The diary of the Presbyterian chaplain of Durkee's Connecticut regiment, under date of the 21st says: "At two this morning we were waked up by the guards, who informed us that New York was on fire;" and, after describing the burnt region, concludes thus, "laying about one-third part of the city in ashes (in the opinion of those best acquainted with it), and had not the wind, as it veered to the west died away, the remainder of that nest of vipers would have been destroyed."<sup>3</sup>

Tryon, in his letter of the 24th, to Lord George Germain, says: "On the 21st, about two in the morning, the western part of the town was set on fire by a number of incendiaries, that about one-fourth was burnt, that many of the incendiaries are now in confinement, and two or three were killed as they were detected in their hellish design. Many circumstances lead to the conjecture that Mr. Washington was privy to the villanous act, as he sent all the bells of the churches out of town under pretence of casting them into cannon, whereas it is much more probable to prevent the alarm being given by the ringing of the bells before the fire should get ahead beyond the reach of engines and buckets; besides, some officers of his army were found concealed in the city, supposed for this devilish purpose. The town was thought to be saved more by a sudden change in the wind (which blew strong) and by pulling down intermediate houses, than by water. \* \* \* The fire broke out in sundry places nearly at the same time, but was first discovered at Whitehall stairs."<sup>4</sup>

John Sloss Hobart, writing on the 25th from the Camp at Kingsbridge to the New York Convention, after describing the region burnt over, says: "General Howe disclaims any knowledge of the matter till the city was in flames; and in order to evince his sincerity, we are told, he threw several persons suspected of being concerned into the flames; several others were hung up by the heels and afterwards had their throats cut. This, we suppose, has been done in order to take the odium of such a crime from the army. The most

<sup>1</sup> MS. Letter.

<sup>2</sup> Force, Fifth Series, Vol. II., p. 461.

<sup>3</sup> MS. Letter.

<sup>4</sup> Ibid., p. 493.

rational conjecture we can make for the cause of the fire is, that the army, having been promised the plunder of the town in case of conquest, and finding from their late repulse that such an event is rather too far distant for their impatience, have set fire to the town in order to facilitate their views."<sup>1</sup>

Colonel Hartley, writing to Gen. Gates from Crown Point, on Oct. 10, 1776, says: "I am pleased to hear part of New York is burnt. I hope we shall have intelligence that the rest of that nest of Tories and sink of American villiany has shared the same fate. 'That cursed town, from first to last, has been ruinous to the common cause.'"

The Reverend Dr. Charles Inglis, Rector of Trinity Church, and subsequently first Bishop of Nova Scotia, a man of the highest character, sent to the Secretary of the Society for the Propagation of the Gospel, Dr. Hind, a report on the "State of the Anglo-American Church," dated New York, October 31st, 1776, in which is found the following interesting statement regarding the fire:

"On Sunday, the 15th of September, General Howe, with the King's forces, landed on New York Island, four miles above the city, upon which the rebels abandoned the city, and retired towards King's Bridge, which joins this island to the continent. Early on Monday morning, the 16th, I returned to the city, which exhibited a most melancholy appearance, being deserted and pillaged. My house was plundered of everything by the rebels. My loss amounts to near £200 this currency, or upwards of £100 sterling. The rebels carried off all the bells in the city, partly to convert them into cannon, partly to prevent notice being given speedily of the destruction they meditated against the city by fire, when it began. On Wednesday I opened one of the churches, and solemnized divine service, when all the inhabitants gladly attended, and joy was lighted up in every countenance on the restoration of our public worship; for very few remained but such as were members of our church. Each congratulated himself and others on the prospect of returning peace and security; but alas! the enemies of peace were secretly working among us.

"Several rebels secreted themselves in the houses, to execute the diabolical purpose of destroying the city. On the Saturday following an opportunity presented itself; for the weather being very dry, and the wind blowing fresh, they set fire to the city in several places at the same time, between twelve and one o'clock in the morning. The fire raged with the utmost fury, and, in its destructive progress, consumed about one thousand houses, or a fourth part of the whole city. To the vigorous efforts of the officers of the army and navy, and of the soldiers and seamen, it is owing, under Providence, that the whole city was not destroyed. We had three churches, of which Trinity Church was the oldest and largest. It was a venerable edifice, had an excellent organ, which cost £850 sterling, and was

<sup>1</sup> Ibid., p. 503.

<sup>2</sup> Ibid., 981.

otherwise ornamented. This church, with the rector's house and the charity-school—the two latter large expensive buildings—were burned. St. Paul's Church and King's College had shared the same fate, being directly on the line of fire, had I not been providentially on the spot, and sent a number of people with water on the roof of each. Our houses are all covered with cedar shingles, which makes fire very dangerous. The church corporation had suffered prodigiously, as was evidently intended. Besides the buildings already mentioned, about two hundred houses which stood on the church ground were consumed, so that the loss cannot be estimated at less than £25,000 sterling."<sup>1</sup>

David Grim's account, which is usually quoted, states that it began in a small wooden house occupied by bad characters, near Whitehall Slip. Its closing paragraph contains his only reference to its causes: "A Mr. White, a decent citizen and house carpenter, rather too violent a royalist, and latterly had addicted himself to liquor, was on the night of the fire, hanged on a tavern sign-post, at the corner of Cherry and Roosevelt streets. Several of the citizens were sent to the provost-guard for examination, and some of them remained there two and three days, until they could give satisfactory evidence of their loyalty."<sup>2</sup>

At the close of September, Mr. James Allen, and Dr. Smith, of Philadelphia,<sup>3</sup> made a visit to the American army "through mere curiosity," as the Diary of the former, still in existence, expresses it. "From Amboy," says Mr. Allen, "I went to Bergen, and lodged with General Roberdeau, and had a view of the city and harbor of New York. The sight was grand from the number of ships in the harbor, and shocking from the burnt ruins of that noble city, set on fire as is supposed by some of *our* army on their leaving it, at least as the enemy allege."<sup>4</sup>

"Happening as it did," says Paul Allen, writing in 1822, "so immediately after Washington had made its destruction a subject of inquiry in Congress: almost recommending the measure to Congress—the circumstance of its having been delayed till after the enemy had taken possession of it, could not of itself be sufficient to destroy the presumption that it was done by the Americans. It is now, perhaps, too late to determine the question—but this will be conceded by all; that if it had been destroyed by Congress, it would not have been avowed at the time, and probably never afterwards."<sup>5</sup>

<sup>1</sup> Doc. Hist. N. Y., Vol. III., p. 1060.

<sup>2</sup> Dunlap's N. Y., Vol. I., p. 79.

<sup>3</sup> James Allen, a prominent lawyer, second son of Chief-Justice Wm. Allen, of Pennsylvania. Dr. Smith was the Provost of the College at Philadelphia, now the University of Pennsylvania.

<sup>4</sup> MS. Diary of James Allen.

<sup>5</sup> History of the Revolution by Paul Allen., Vol. I., p. 507.



Baurmeister, one of the Hessian officers, in a MS. narrative of the capture of New York,<sup>1</sup> says :

" In the night of the 20th at half-past twelve o'clock the northern part of the city of New York took fire.

" Incendiaries appointed for the purpose were concealed in the city, a boat arriving from Pauls Hook with the like villains, to the number of 40 and a Colonel at their head, favored by the west wind, set fire to this beautiful city in many places at the same time. The wind and the careless though sufficient watch favored its complete destruction by this disaster, nearly 500 of the best houses and one church were the sacrifice to this rebellious fury. There are many villains caught and under arrest, others were thrown into the flames, and a sworn rebel, whose wife and five children could not induce him to give up this incendiarism, stabbing his wife, who was about to extinguish the fire with water, was seized by the sailors, at once stabbed and hung up by the feet before his own house until day-break of the 20th. The English guard was of much assistance in suppressing the fire, hastening into the city at once, but the sailors did the best part of it, taking care to pay themselves well by plundering other houses near by that were not on fire. It is a real horror to look at New York in its desolation. Quiet reigned everywhere on the 22d."

Capt. John Joseph Henry, subsequently a Judge in Pennsylvania, who witnessed the fire from its origin to its end, in his "Campaign against Quebeck"<sup>2</sup> from which he had just returned by sea, and who was at the time on board a ship in the bay, has given the following clear and just account :

" A most beautiful and luminous, but baleful sight occurred to us, that is, the city of New York on fire. One night, (Sept. 22,) the watch on deck gave a loud notice of this disaster. Running upon deck, we could perceive a light, which at the distance we were from it, (four miles,) was apparently of the size of the flame of a candle. This light to me, appeared to be the burning of an old and noted tavern, called the "Fighting Cocks," (where, ere this I had lodged,) to the east of the battery, and near the wharf. The wind was southwardly, and blew a fresh gale; the flames at this place, because of the wind, increased rapidly. In a moment we saw another light at a great distance from the first, up the North river. The latter seemed to be an original, distinct and new formed fire, near a celebrated tavern in the Broadway called "Whitehall." Our anxiety for the fate of so fine a city, caused much solicitude, as we harboured suspi-

<sup>1</sup> Translated from the original in the possession of the Hon. George Bancroft.

<sup>2</sup> Campaign against Quebec, pp. 184-86, original edition.



cions that the enemy had fired it. The flames were fanned by the briskness of the breeze, and drove the destructive effects of the element on all sides. When the fire reached the spire of a large steeple, south of the tavern, which was attached to a large church, the effect upon the eye was astonishingly grand. If we could have divested ourselves of the knowledge that it was the property of our fellow-citizens which was consuming, the view might have been esteemed sublime, if not pleasing. The deck of our ship, for many hours, was lighted as at noon day. In the commencement of the conflagration, we observed many boats putting off from the fleet, rowing speedily towards the city; our boat was of the number. This circumstance repelled the idea that our enemies were the incendiaries, for indeed they professedly went in aid of the inhabitants. The boat returned about day light, and from the relation of the officer and the crew, we clearly discerned that the burning of New York was the act of some mad-cap Americans. The sailors told us in their blunt manner, that they had seen one American hanging by the heels dead, having a bayonet wound through his breast. They named him by his Christian and surname, which they saw imprinted on his arm; they averred he was caught in the act of firing the houses. They told us also, that they had seen one person, who was taken in the act, tossed into the fire, and that several who were stealing, and suspected as incendiaries, were bayoneted. Summary justice is at no time laudable, but in this instance it may have been correct. If the Greeks could have been resisted at Persepolis, every soul of them ought to have been massacred. The testimony we received from the sailors, my own view of the distant beginnings of the fire in various spots, remote from each other, and the manner of its spreading, impressed my mind with the belief, that the burning of the city was the doings of the most low and vile persons, for the purposes, not only of thieving, but of devastation. This seemed too, the general sense, not only of the British, but that of the prisoners then aboard the transports. Laying directly south of the city, and in a range with Broadway, we had a fair and full view of the whole process. The persons in the ships nearer to the town than we were, uniformly held the same opinion. It was not until some years afterwards, that a doubt was created; but for the honor of our country and its good name, an ascription was made, of the firing of the city, to accidental circumstances. It may be well, that a nation, in the heat and turbulence of war, should endeavor to promote its interests, by the propagating reports of its own innocence and prowess, and accusing its enemy of flagrant enormity and dastardliness, (as was done in this particular case,) but when peace comes, let us, in God's name, do justice, to them and ourselves. Baseness and villany are the growth of all climes, and of all nations. Without the most numerous, and the most cogent testimony, as the fact occurred within my own view, the eloquence of Cicero could not convince me that the firing was accidental."

## NOTE XXXIX.

THROG'S NECK, AND WHY THE BRITISH LANDED THERE,  
IN OCTOBER, 1776.

*Volume I., page 122.*

"FROG'S" Neck, or Point, is a corruption of "Throgs'" Neck, which itself is an abbreviation of Throckmorton's Neck, which was so called from the name of its first English settler.

General Howe's landing there was a gross blunder, as it is a tide island, and in 1776 was connected with the main by a bridge over a mill-dam at the Borough town of Westchester. This the Americans fortified and successfully prevented Howe's troops from crossing. The mill and dam were built by Col. Caleb Heathcote, who was the first Mayor of the Borough of Westchester—the only Borough town in the Colony of New York—about the year 1695. It stood till February, 1875, when it was accidentally burnt. The outside had been renewed from time to time, but the frame was the original one, of massive hewn timber, and at the time of its destruction was the oldest mill in Westchester and probably in the State. By the original grant to Colonel Heathcote, the inhabitants of the town had the right to have their grain ground free. This was afterwards commuted to a toll, payable to the present "town" of Westchester, which the town enjoyed as a source of revenue till the mill was burnt, and the right to which it still retains, if it is rebuilt.

The blunder was Lord Howe's, not Sir William's; for Sir Henry Clinton, in his MS. note to the account of the landing, in Stedman, Vol. I., p. 211, says:

"It had been proposed to Sir William Howe that the troops should have been marched to Harlem Point,<sup>1</sup> there met by the boats, passed to City Orchard, thence to Mill's Creek and Rochelle. This was overruled, and the above move to Frog's Point took place. Lord Howe objected to Mill's Creek under an idea that it would not be safe for ships to lay there."

<sup>1</sup> Horn's Hook, now 92d Street.

On the next page, Sir Henry says :

“Knyphausen's command joined at New Rochelle, which had landed at Mill's Creek, now found to be perfectly safe.”

By “City Orchard” was probably meant “City Island,” just below Mill's Creek, or New Rochelle Harbor, which is about a mile from the village of that name.

The author is mistaken in saying “a whole fortnight” was spent by Howe on Frog's Neck. He probably means that he spent “a whole fortnight” in getting from there to White Plains, a distance of about twelve miles. Howe landed on the 12th of October at Frog's Neck, remained five days, then crossed to Pell's Neck, and was actually eleven days going from there to White Plains, which he reached on the 28th.

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#### NOTE XL.

THE BATTLE OF WHITE PLAINS—STATE OF THINGS AFTER IT—BURNING OF THE VILLAGE BY THE AMERICANS—POSSIBLE REASON OF HOWE'S SUDDEN MARCH TOWARDS TARRYTOWN.

*Volume I., page 123.*

THE action on Chatterton's Hill at White Plains was merely a brief skirmish between detachments of each army. Washington's despatch, through his Secretary, Robert H. Harrison,<sup>1</sup> to Governor Trumbull, of Connecticut, of the 2d of November, 1776, gives this account of it, and the reason of the retreat to White Plains.

<sup>1</sup> Of Maryland, he entered the army as Aid to Washington, who made him his Private Secretary. On 5 June, 1776, Congress gave him the rank of Lieut.-Colonel. He continued Washington's Secretary till 10 March, 1781, when he was appointed Chief-Justice of Maryland, in which office he died in 1790. Saffell's Records Rev. War, p. 383.

"The enemy having discovered their intentions, in pursuance of their original plan, of penetrating into the country and forming a line in our rear, it became necessary, the last week, to remove the whole of our army, except the garrisons left at Mount Washington and Kingsbridge, from the heights we had encamped on above the latter, to this place, to prevent their outflanking us, and the execution of their design. On Monday morning (28th), about 10 o'clock, they appeared in several large columns in our front, and from their movements seemed as if they meant an attack there. In a little time their main body (at least of those in sight) filed off to our right and began a most incessant cannonade at a part of our troops who had just taken post on a hill with a view of throwing up some lines. Covering themselves with their cannon, they advanced in two divisions, and after a smart engagement, of about a quarter of an hour, obliged our men to give way. Our loss at present I cannot ascertain; nor is theirs known. I dare say it is not much inferior to ours; and had it not been for their immense artillery, which galled our people greatly, it is probable it would have been much greater.<sup>1</sup> They now lay extended from our right to our left, and it is generally conjectured they have in view the seizing of Kingsbridge on Croton River, to cut off our communication with the upper country."<sup>2</sup>

Chatterton Hill is the last and northernmost of the heights, along the western side of the Bronx River, successively occupied by the Americans, during their movement from Kingsbridge to White Plains, from which village and court-house, as they then were, it is about one mile due west. A short distance north of it, across a bend in the Bronx, a bridge communicated with Washington's entrenchments, which extended from that river on the west, over and along a high ridge, to Horton's (now Willett's) Pond, on the east. It was therefore in advance of, and separated from, them, by the river. Military rules would have called into Washington's lines the eleven or twelve hundred men whom the British found posted on this hill at their approach. Why this was not done, and why the hill was occupied at all, have been subjects of dispute. The British were surprised at their remaining on the hill, and Howe decided to drive them off before attacking Washington; and did so, by a detachment of about 4,000 men, in the presence of both armies as spectators. The details are well known.

<sup>1</sup> Force, Fifth Series, Vol. III., pp. 481-5.

<sup>2</sup> Force, Fifth Series, Vol. III., pp. 484, 485.

Sir Henry Clinton tells us : " Perhaps the rebels posted this corps on the right of the Brunx<sup>1</sup> to cover their retreat over the Croton, should that be necessary ; and if Sir William Howe thought so, it accounts for his attack."<sup>2</sup>

Be the reason what it may, it is certain that it led Howe into the first of his blunders at White Plains, and materially aided in the preservation of the American army.

In a private letter to his friend, John McKesson, Secretary of the New York Provincial Convention, written from White Plains, on the 31st of October, 1776, three days after the battle, George Clinton, then a Brigadier-General, makes the following remarks, corroborative of the statement of General Silliman to the author, on page 123. After stating that an attack was apprehended the preceding night, and how, while waiting under arms, they had suffered from the hard, cold, storm which stopped Howe's intended attack, he says :

" This I am sure of, that I am likely to lose more in my brigade, by sickness occasioned by extra fatigue and want of covering, than in the course of an active campaign is ordinarily lost in the most severe actions. However, I would not be understood to condemn measures. They may be right for aught I know ; I do not understand much of the refined art of war : it is said to consist of stratagem and deception. This, nevertheless, is too obvious : the enemy are daily increasing their army by new recruits in those parts of the country which they have already acquired, whilst ours are daily decreasing by sickness, deaths, and desertions ; add to this one month disbands a very considerable part of our army. How a new one will be recruited God only knows. This I know, many are disgusted with the service. These will not re-enter ; and, what is worse, will prevent others, by representing, on their return home, the hardships they have endured. So much for military politicks. I write this in confidence. If what I have said be true, and the evils which I fear prevented, in any degree, by the honorable body in which you sit, it is devoutly to be wished."<sup>3</sup>

The author says the Americans fell back six miles towards Northcastle. It was not quite so far. Sir Henry Clinton says : " They did not return above a mile to their strong

<sup>1</sup> The common spelling of the name in the last century.

<sup>2</sup> Clinton's MS. note to Stedman, Vol. I., p. 214.

<sup>3</sup> Force, Fifth Series, Vol. II., p. 1312.

entrenched camp, and there remained until we had crossed the Bronx with our right wing."<sup>1</sup>

The village of White Plains, with its court-house, and the Presbyterian Church, was burned by New England troops, not, however, on the approach of the British, as stated in the text, but *after they had left it*.

Washington's "general order" of Nov. 6, 1776, says: "It is with the utmost astonishment and abhorrence, the General is informed some base and cowardly wretches have, last night, set fire to the Court-House and other buildings which the enemy left. The army may rely upon it that they shall be brought to justice, and meet with the punishment they deserve."<sup>2</sup>

Six days before, however, says a letter of Nov. 1st, from a gentleman in the army: "On the 31st of October it was observed that they (the British) had near finished four or five batteries which they had erected against us; and as our ground near the centre of the town of White Plains was not good, being overlooked by the neighboring hills, the General last night drew off most of the troops from the lines there, and this morning the guards and sentries burned the town, and forage all round it, and came off about nine o'clock,"<sup>3</sup>

Colonel Jedediah Huntington, of Connecticut, writing to Governor Trumbull, on the 7th November, says: "The enemy have retreated from White Plains. It was a happy thought, the burning of a few houses on our retreat from thence. That measure convinced them they had little to expect from penetrating the Country."<sup>4</sup> This "happy" burning of houses and barns, however, produced the following "general order" from Washington, two days afterwards, on the 2d of November: "The General expressly forbids any person, or soldier, belonging to the army, to set fire to any house or barn, on any pretence, without a special order from some General Officer."<sup>5</sup>

But the spirit of pillage and robbery was not to be stayed.

<sup>1</sup> MS. Note.

<sup>2</sup> Force, Fifth Series, Vol. III., p. 545.

<sup>3</sup> Ibid., p. 474. This letter was published in the Pennsylvania Evening Post.

<sup>4</sup> Ibid., 559.

<sup>5</sup> Ibid., 544.

On the night of the 5th of November, one Major Austin, of Massachusetts, and his men, robbed various houses that had been left by the former fire, turned the inmates out of doors, and burnt them, the court-house and the Presbyterian Church. This wanton act called forth Washington's order of Nov. 6th, quoted above. It also caused the New York Provincial Convention to pass stringent resolutions on the subject, which they directed to be sent to Washington, with a letter of remonstrance written by Robert R. Livingston, demanding Austin for punishment, and asking Washington to unite with them in urging Congress to make it a capital offence "for any officer or soldier to pillage the inhabitants," or "ravage the country," without orders.<sup>1</sup>

Major Austin, by Washington's orders, was court-martialed on the 8th, "upon a charge of burning the houses at White Plains contrary to general orders." General M'Dougall presided, but the court only sentenced him "to be reprimanded." This was reported to Gen. Lee, who then was in command, on the 12th; he was indignant, and instantly re-arrested him and ordered a new Court Martial, with Colonel Daniel Hitchcock as president, to try him on "a charge of wanton, barbarous conduct, unbecoming not only an officer, but a human creature." The pillaging, cruelty, and burning were fully proved by the evidence, and the court at once cashiered him.<sup>2</sup> He was *Jonathan Williams Austin*, the Major of Colonel Paul D. Sargent's Massachusetts regiment.<sup>3</sup> Howe's reasons for not pursuing Washington, after the latter fell back towards North Castle, have never been satisfactorily given, either by himself or others. If, however (and there was time sufficient), he received at White Plains the plan of the lines and works at Fort Washington, and the information as to its garrison, which the traitor Adjutant of Magaw's regiment brought into Lord Percy's lines on the second of November,<sup>4</sup> it may explain his sudden departure in the

<sup>1</sup> Journals of Prov. Con., Vol. I., p. 729.

<sup>2</sup> Force, Fifth Series, Vol. III., pp. 640, 653, and 654. Lee Papers, Vol. II., p. 273.

<sup>3</sup> Ibid., 874.

<sup>4</sup> See Note XLI.



night of the fifth of November towards Tarrytown, and march to invest that fortress, which so puzzled the American commander-in-chief.

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#### NOTE XLI.

THE CAPTURE OF MOUNT WASHINGTON ON THE 16TH OF NOVEMBER, 1776.—ITS CAUSE, THE TREASON OF THE ADJUTANT OF ITS COMMANDER.—HEROISM OF MARGARET CORBIN.

*Vol. I., p. 124.*

THE capture of Mount Washington is merely stated in brief, general, terms by the author. He did not know its true cause, nor did the American Generals, Washington and Greene, nor its commandant, Colonel Magaw. The evidence given below shows to whom its fall was really due. Magaw may have had some suspicions of the truth; but if so, he has left no evidence of them that is known.

The victorious guns of Howe had hardly ceased on Chatterton Hill at White Plains, on the 28th of October, 1776, ere he despatched an order to Lieutenant-General Baron von Knyphausen, the commander of the Hessians, to move from New Rochelle, where they had landed a few days before, towards Kingsbridge. Leaving the Waldeck regiment as a guard, von Knyphausen marched with the rest of his command the next day, took post at Mile Square and Valentine's Hill, and on the 2d of November encamped on New York Island at Kingsbridge, the Americans retiring to Fort Washington at his approach.<sup>1</sup>

Why Howe did not attack Washington at White Plains after the brigades from Percy joined him, neither he, nor any one else, has ever satisfactorily explained. On his return to England, he told the Committee of Parliament which investi-

<sup>1</sup> Howe's despatch of 30th Nov. Force, Fifth Series, Vol. III., p. 923.

gated his conduct, that he *had* intended an attack on Washington's right, which was opposite to the Hessians under De Heister, but that he had "political reasons, and no other, for declining to explain why that assault was not made."<sup>1</sup>

He retreated from White Plains very suddenly early in the morning of the fifth of November, 1776, and his army had been moving some time towards Dobb's Ferry before the fact was discovered by the Americans. "The design of this manœuvre is a matter of much conjecture and speculation, and cannot be accounted for with any degree of certainty," wrote Washington to Hancock on the sixth, and the same day, he called a council of war, which unanimously agreed, immediately to throw a body of troops into Jersey, and station 3,000 men at Peekskill to guard the Highlands. This was a perfectly natural conclusion. "Howe has but two moves more, in which we shall checkmate him," wrote Charles Lee, but he did not state what they were.<sup>2</sup> One was evidently to New Jersey, and the other to Mount Washington. Why did he choose the latter? That he intended originally to throw his army into Jersey from Dobb's Ferry and march for Philadelphia, leaving Washington to follow him as best he might—first, however, detaching and leaving behind a sufficient force to hold lower Westchester, and keep in check, or invest, Mount Washington—is most probable. This would explain his order to von Knyphausen on the 28th, and the subsequent order of the 3d to Grant to march the next day, the 4th, with the Sixth Brigade to de Lancey's Mills on the Bronx, at West Farms, to send the Fourth Brigade to Mile Square, and the Waldeck regiment from New Rochelle to a bridge three miles above de Lancey's Mills on the same stream.<sup>3</sup>

Washington, and his council of war, evidently thought he would do so; hence their unanimous vote to throw an army into Jersey, and to secure Peekskill. The record of that coun-

<sup>1</sup> Howe's Narrative, p. 7.

<sup>2</sup> Letter of William Whipple to John Langdon. Force, Fifth Series, Vol. III., p. 555.

<sup>3</sup> Howe's despatch. Ibid., 924.

cil shows that neither Mount Washington nor Fort Washington were even mentioned.<sup>1</sup> A striking fact, when we know, from a letter of the Commander-in-chief himself, written the day the council met, that "our communication with Mount Washington has now been cut off for two weeks."<sup>2</sup> Reed, on the same 6th of November, wrote his wife from White Plains: "Opinions here are various; some think they are falling down on Mount Washington; others, that they mean to take shipping up North River and fall upon our rear; others, and a great majority, think that finding our army too strongly posted, they have changed their whole plan and are bending southward, intending to penetrate the Jerseys, and so move on to Philadelphia."<sup>3</sup>

Howe at White Plains suddenly, and certainly, did "change his whole plan," which was to attack Washington. He himself said his reason for not making that attack was a political one, but he refused to divulge it. His successes in the campaign, so far, had not been decided ones. He had not been able to crush the rebellion in a single great battle, as he hoped, and he found he must ask the Ministry in England for more men and material. Though not his political friends, they had given him his command, and must be placed in a position to do so with ease and honor. And an occurrence, strange, and utterly unexpected, had just transpired, by which he could not only effect this object, but at the same time win great applause for himself, and strike a blow, deadly, if not fatal, to the rebellion.

He had good cause "to change his whole plan," as Reed expressed it. And that cause was, *the base treason of a commissioned officer of the American Army.*

Four years before Arnold's attempt to betray West Point, a similar, but more successful, traitor, betrayed Mount Washington.

On the second of November, 1776, the Adjutant of Magaw, the commandant of that post, passed undiscovered into the

<sup>1</sup> Force, Fifth Series, Vol. III., p. 543.

<sup>2</sup> To the Pennsylvania Commissioners, of Nov. 6, 1776. *Ibid.*, p. 546.

<sup>3</sup> Reed to his wife from White Plains. *Ibid.*, p. 547.

British camp of Earl Percy,<sup>1</sup> carrying with him the plans of Fort Washington, and full information as to the works and the garrison, and placed them in the hands of that officer.

It was Percy's duty, of course, instantly to send the plans and information to Sir William Howe, then at White Plains. As he could only do this by way of the East River, or the North River, it probably was the evening of the third of November before Howe received them, and he may possibly not have gotten them till the fourth.

The British commander-in-chief now saw, not only how he could certainly capture Mount Washington, but how he could do it without much loss, send the ministry in England a glowing account of forts, guns, and men taken, deprive Washington of a large force of his best troops, seize and control the communication between New York and Westchester, and destroy that across the Hudson, between the Eastern and Southern Colonies, on which both had so long relied ; and he acted accordingly.

Alexander Graydon, a captain in Cadwallader's regiment, who was taken at Mount Washington, in his striking "Memoirs of His own Times," says: "Howe must have had a perfect knowledge of the ground we occupied. This he might

<sup>1</sup> This Earl Percy, the same who was at Lexington, was Hugh, eldest son of Sir Hugh Smithson, Baronet, by his wife, Lady Elizabeth Seymour, the only surviving child of Algernon Seymour, "the proud duke of Somerset," by his first wife, Elizabeth Percy, only child of Joscelin Percy, 11th Earl of Northumberland, the last male descendant of "Harry Hotspur and his gentle Kate," bearing the name. Sir Hugh Smithson assumed the surname of "Percy" on his marriage, and was created *Earl Percy and Duke of Northumberland* 22d Oct., 1766. He died in 1786, and his son, so well known in America, succeeded as *second Duke of Northumberland*, and lived till 10th July, 1817, when he was succeeded by his eldest son Hugh (who died without issue in 1847), as third Duke, and he was succeeded by his brother Algernon, Lord Prudhoe, as fourth Duke, the late genial and jovial Viceroy of Ireland, who also died without issue in 1865. The present Duke is a distant cousin of the two latter, and not a descendant of the Percy mentioned in the text. Of the conduct of the latter at Mt Washington, a letter from an officer, of 5th Dec., 1776, in the *Middlesex Journal*, says: "Little Percy behaved like an angel ; he remains with us, notwithstanding he had the King's leave to return to Europe five months ago." He was a brave and very active officer, qualities which so struck the Mohawks that they adopted him into their tribe, made him a chief, and gave him the name of *Thorighwegeri*.

have acquired from hundreds in New York; but he might have been more thoroughly informed of everything desirable to be known from an officer of Magaw's battalion, who was intelligent in points of duty, and deserted to the enemy about a week before the assault."<sup>1</sup> The same thing is intimated in one or two of the German accounts of the capture. What these writers thought a possibility, however, is now an *absolute certainty*. The evidence, too, is of the most conclusive character, that of the traitor himself over his own signature, stating the treason in plain, undeniable, terms.

Sixteen years after its occurrence, in order to obtain a small amount due him by the British Government, he wrote the following letter to the Rev. Dr. Peters, a clergyman of the Church of England, to be used in obtaining the claim from the British officials in Upper Canada. In Dr. Peters' possession, and that of two gentlemen of this city, father and son, in the house of the elder of whom—the husband of a favorite ward—Dr. Peters died, this letter has remained until placed in my hands by the younger. Its authenticity is therefore beyond a cavil.\*

It is here printed *verbatim*, with its errors of grammar, spelling, and style precisely as in the original manuscript, which is addressed to the "Rev<sup>d</sup>. Dr. Peters."

Rev<sup>d</sup> Sir,

Permit me to Trouble you with a Short recital of my Services in America which I Presume may be Deem<sup>d</sup>, among the Most Singular of any that will go to Upper Canada—On the 2<sup>d</sup> of Nov<sup>r</sup> 1776 I Sacrificed all I was Worth in the World to the Service of my King & Country and Joined the then Lord Percy brought in with [me] the Plans of Fort Washington by which Plans that Fortress was taken by his Majestys Troops the 16 instant, Together with 2700 Prisoners and Stores & Ammunition to the amount of 1800 Pound, at the same time I may with Justice Affirm from my Knowledge of the Works I saved the Lives of Many of his Majestys Subjects—these Sir are facts well known to every General Officer which was there—and I may with Truth Declare from that time I Studied the Interest of my Country and Neglected my own—or in the Language

<sup>1</sup> Graydon's Memoirs, p. 215, Littell's Edition.

\* These gentlemen, both personal friends of the writer, were the late Judge Bell, and his son, Mr. Samuel P. Bell.

of Cardinal Woolsey had I have served my God as I have done my King he would not Thus have Forsaken Me.

The following is a Just account due me from Government which I have never been able to bring forward for Want of Sir William Erskine, who once when in Town Assured Me he'd, Look into it, but have never done it, otherways I should not now have been in Debt.

This, Sir, though it may not be in your Power to Get me, may Justify my being so much in Debt, & in Expectation of this Acct. being Paid, together with another Devidend, from the Express words of the Act, where it Says all under Ten Thousand pound Should be Paid without Deduction, I having received only £100 out of £467 which I Justified before the Commissioners.

Due for Baw, Batt, & Forrage	£110 7 0
For Engaging Guides, Getting } intelligence, &c.	45 9 7
For doing duty as Commissary } of Prisoners at Philadelphia, } Paying Clerks, Stationary, &c }	26 13 8
	<hr/> <hr/> £182 10 3 <hr/> <hr/>

The last Two Articles was cash Paid  
out of my Pocket which was Promised  
to be Refunded by Sirs Wm. Howe and Erskine.

I most Humbly Beg Pardon for the Length of this Letter & Shall  
Conclude without making some Masonac Remarks as at first in-  
tended,

And Remain  
Rev<sup>d</sup>. Sir  
with Dutiful Respect  
Your most Obedient  
and Most Hum<sup>l</sup>. Servt.

London }  
Jany 16<sup>th</sup> }  
1792. }

WILLIAM DEMONT.

P. S. the Inclosed is a True Account of my Debts taken from the  
Different Bills received.<sup>1</sup>

<sup>1</sup> The account of his debts has not been preserved, but a printed copy of the resolution of Parliament of June 9th, 1788, directing the payment of the dividend under the compensation act referred to, which was enclosed in the letter, is still with it; the words "Baw, Batt," in the first item of the account are military terms for officers, baggage-horses and forage.

Such was the treason of William Demont.

Originally entering Magaw's Battalion in Philadelphia as an ensign, by the appointment of the Pennsylvania Council of Safety, he was by the same body appointed its Adjutant on the 29th of February, 1776, and went with the battalion to New York. The position gave him Magaw's confidence; and when, on Putnam's departure to join Washington's army at White Plains, that officer was left in command of Mount Washington, it also gave him the fullest information of the post and of everything that was done, or intended to be done, in relation to it. Graydon mistakes both the time of his desertion and his name. The former occurred fourteen days before the capture, not a week, and the latter he calls "*Dement*," and the name so appears in the printed proceedings of the Pennsylvania Committee of Safety, and in the army returns. But if it is not a copyist's or a printer's error, he subsequently changed the last vowel, for he writes it himself unmistakably "*Demont*."

Of his subsequent career little is known, except that during the British occupation of Philadelphia he acted as a commissary of prisoners. From that time until he appears in London in 1792, writing the above letter, I have learned nothing of him, nor been able to trace him after that date. Whether he obtained his claim I know not. Most probably he could exclaim,

"It is the curse of treachery like mine,  
To be most hated, where it most has serv'd."

Sir William Howe's course shows that he acted on Demont's plans and information. Reaching Dobb's Ferry with his army on the 6th of September, he, the next day, despatched his park of artillery to Kingsbridge with a strong escort, to join von Knyphausen, and the first step after its arrival was to place batteries in positions on the Westchester side of the Harlem River to cover selected points of attack on the New York side. The next three days were occupied by the necessary preparations for an assault, and in sending a brigade of Hessians to von Knyphausen, whose own head-

quarters were also on the Westchester side of the Harlem River. On the 12th Howe's whole army marched to Kingsbridge, and encamped the next day along the high grounds on the same side of that river, with its right on the Bronx and its left on the Hudson. On the night of the 14th, undiscovered by either Magaw, or Greene, thirty row-boats, chiefly from the transport fleet, under Captains Wilkinson and Molloy, of the Royal Navy, passed up the North River and through Spuyten Duyvel to the Harlem River. Howe had determined on four separate attacks upon Mount Washington: the first and main one by von Knyphausen with his Hessians, from Kingsbridge, covered by the guns of the man-of-war *Pearl* in the North River; the second by boats across the Harlem River, with English troops, upon Laurel Hill; the third by Scotch troops, under Colonel Stirling, also by boats across the Harlem River, but further down, upon the hill inside the American lines of fortification near the Morris House; and the fourth by Earl Percy, with English and Hessian troops, upon the American lines at the south end of Mount Washington. Batteries opposite the chosen points of attack on the Harlem River covered these intended movements completely. Such was the British plan of attack.<sup>1</sup>

On the 15th, Howe summoned Magaw to surrender, under penalty of a storm (which by military law is liability to be put to the sword if taken), and gave him two hours to decide.

He at once wrote to Greene at Fort Lee, and then sent this brave answer to the summons, addressed to Col. Patterson, the Adjutant of the British army, who bore it:

"SIR:—If I rightly understood the purport of your message from General Howe, communicated to Colonel Swoope, this post is to be immediately surrendered or the garrison put to the sword. I rather think it a mistake than a settled resolution in General Howe to act a part so unworthy of himself and the British Nation.

"But give me leave to assure his Excellency, that actuated by the most glorious cause that mankind ever fought in, I am determined to defend this post to the very last extremity.

"ROBT. MAGAW,  
"Col. Comd."

<sup>1</sup> Howe's first despatch of Nov. 30th. Force, Fifth Series, Vol. III., pp. 921, 924.



That evening, at Hackensack, Washington received a hasty note from Greene, dated "Fort Lee, four o'clock P.M.," stating the fact of the summons, and covering Magaw's letter. He left at once for Fort Lee, nine miles distant, arrived there about nine at night, took a boat to go over to Mount Washington, "and," in his own words, "had partly crossed the North River when I met General Putnam and General Greene, who were just returning from thence and informed me that the troops were in high spirits, and would make a good defence; and it being late at night, I returned."<sup>1</sup> Neither General then suggested, nor proposed, an evacuation, for which there was ample time, had it been desired.

Howe's plan of attack was carried out to the letter the next day, and Mount Washington fell, 2,818 prisoners, including officers, forty-three guns, and all its stores being taken. The American loss was four officers and fifty privates killed, and three officers and ninety privates wounded, a total of 147. That of the British was seventy-eight killed and three hundred and eighty wounded, including officers, a total of 458; of which number the Hessians lost fifty-eight killed, and two hundred and seventy-two wounded.<sup>2</sup> The details of the engagement are well known.<sup>3</sup>

Washington's private opinion was opposed to holding Mount Washington, but he was governed by a vote of Congress, and the Council of War, each of whom decided to retain it as long as possible. After the British men-of-war passed up the river, he, by letter, authorized Greene and Magaw to evacuate the post, but did not directly *order* it to be done. Greene thought it should be retained, and, as the matter was left to his discretion by Washington's letter, he exercised that discretion by holding it, as he had a perfect

<sup>1</sup> Washington's letter to the President of Congress, of 16th Nov., 1776. Force, Fifth Series, Vol. III., p. 707.

<sup>2</sup> Official reports of Howe. Ibid., pp. 925 and 1,058.

<sup>3</sup> According to Graydon, 203-4, the Hessian force was 3,000, Percy's force was 1,600, that under Colonel Stirling 800, and the light infantry and guards under Maxwell, which he does not give, did not exceed 3,500—making the total numbers of British engaged 8,900. Howe does not state the numbers engaged, but gives merely the names of the regiments and brigades.

right to do. When Washington first arrived at Fort Lee on the 13th, and found the post still occupied, he did not direct its evacuation, as he might have done, but yielding to the doubt and hesitation he felt between his own opinion, and the views of the Council, Congress, and of the generals there present, let the garrison remain.

Magaw seems to have made the best disposition of his forces he could, considering the ground and the four attacks that he had to meet. Neither of these three officers should be censured at the expense of the others. Each did what he thought best under the circumstances in which he was placed. And neither dreamed that he had treason to contend against. The loss of Mount Washington was due to the first American traitor, William Demont.

Many were the instances, on both sides, in this engagement, of humor and gaiety in the midst of danger, as well as intrepidity and valor. There was one of the latter, however, which has rarely been equalled, or surpassed.

In one of the Pennsylvania regiments was a soldier named Corbin, who was accompanied by his wife. His post was in the battery attacked by the Hessians where the battle raged hottest and longest; for it was between two and three hours before the Germans succeeded in carrying it. In the midst of the battle Corbin, struck by a ball, fell dead at his wife's feet, as she was aiding him in his duties. Instantly stepping into his place she worked the gun with redoubled skill and vigor, fighting bravely, till she sank to the earth, pierced by three grape shot in the shoulder. Though terribly wounded, she finally recovered though disabled for life.

This heroic matron, Margaret Corbin, was the first woman who fought for American liberty in the war of the revolution. A soldier's half pay, and the value of a soldiers' suit of clothes annually, voted her by the Continental Congress, while John Jay presided, was all the reward she ever received for such heroic love, courage, pain, and bravery.<sup>1</sup> Thirty-two years

<sup>1</sup> Journals of Congress, 1779, p. 281, and 1780, p. 231. Minutes of Supreme Executive Council of Pennsylvania, under date June 29, 1779, July 3, 1779, and July 24, 1780.

afterwards the famous "Maid of Saragossa" merely repeated the courageous deed of the Matron of Mount Washington.

Fort Lee was taken by Lord Cornwallis on the 20th of November, not, as the text states, on the morning after the capture of Mount Washington. Sir William Howe's despatch of Nov. 30th, to Lord George Germaine, by mistake, says it was taken on the 18th, which has led many writers to commit the same error. Lord Howe's despatch, however, gives the 20th, the true date, as does the letter of General Washington to Congress. The boats to take Cornwallis's corps over the river went up in the night of the 18th to Spuyten Duyvel inlet.<sup>1</sup>

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#### NOTE XLII.

THE ADVICE OF CONGRESS TO THE PEOPLE OF PHILADELPHIA, TO APPLY TO SIR WILLIAM HOWE FOR PROTECTION, IN DECEMBER, 1776.

*Volume I., p. 127.*

The advice of the Continental Congress to the citizens of Philadelphia, when they fled to Baltimore on the approach of the British army, "that as they could no longer give them protection, they must look to the power which could," is almost the same as that given in Galloway's testimony before a Committee of the House of Commons, in June, 1779. It is to be wished the author had mentioned whence he took the quotation.

Galloway's evidence is as follows:

"Q. Did the members of the Congress, and others who had taken an active part in the rebellion, take any steps in consequence of their expecting the British troops in Philadelphia?"

"A. I was informed by every one I conversed with on the subject, that the Congress and the Rebel States, in which I in-

<sup>1</sup> See Force, Fifth Series, Vol. III., pp. 925, 816, and 765.  
So in the original.

clude all their officers, fled in a panic from Philadelphia, many of them leaving a part of their property behind them ; and when I was last in Philadelphia, I was informed by two or three gentlemen, that they were appointed by a number of respectable inhabitants of the city of Philadelphia, to wait on Congress, and to inform them, that they would go out, and certainly meet Sir William Howe, in case he should cross the Delaware, and implore his protection in behalf of the inhabitants ; —that they did wait on Congress accordingly, delivered their message, and received for answer from the Congress, *that they could not blame them, for they could no longer protect them.*" (Balch's edition of Galloway's Examinations, p. 15.) Mr. Balch adds in a note, Mr. (afterwards Judge) Yeates, writing from Lancaster, October 3, 1777, says (*Pennsylvania Letters*, 259) : " Mr. Penn and Mr. Delaney rode out to meet General Howe, and earnestly entreated him to save Philadelphia from plunder. The city, as we learn, escaped ; but John Lawrence, near the Falls, had everything swept away by the soldiers."

The Journal of Congress of the 12th of December, 1776, the day the resolution to go to Baltimore was adopted, gives as much of their action as they deemed best to put on record on this subject. The following extract shows what it was.

" Major-General Putnam and Brigadier-General Mifflin " (*the former having been ordered to the defence of Philadelphia three days before—on the 9th—by Washington*) " being called to a conference, and having by strong arguments urged the necessity of Congress retiring,—It was therefore, *Ordered*, That Mr. Wilson inform the Assembly and Council of Pennsylvania, of the proposed adjournment of Congress, and the place to which they have resolved to adjourn ; and acquaint them that Congress will at all times, on their application, be ready to comply with their requisitions for the security of the city and State against the common enemy."

As they could of course do nothing for their " security " if " the common enemy " took possession of the city, this action was a formal notice to the people of Philadelphia and Pennsylvania, to look out for themselves in that emergency.

The Journal then continues :

“Whereas the movements of the enemy have now rendered the neighborhood of this city the seat of war, which will prevent that quiet and uninterrupted attention to the public business, which should ever prevail in the great continental council :

“*Resolved*, That this Congress be for the present adjourned to the town of Baltimore in the State of Maryland, to meet on the 20th instant, unless a sufficient number to make a Congress shall be there sooner assembled ; and that until Congress shall otherwise order, General Washington be possessed of full power to order and direct all things relative to the department and to the operations ; and that the several matters to this day referred be postponed to the day to which Congress is adjourned.”<sup>1</sup>

John Adams left Congress on the 13th of October, 1776, and went to his home, which he did not leave till the 13th of January, 1777. We have therefore no account from his pen of the hurried and exciting scenes of this period at Philadelphia, but the curious reader will find in Christopher Marshall's diary, under the dates prior to, and succeeding, December 12th, 1776, and in other contemporary accounts, vivid statements of the frights and flights consequent on the approach of the British towards Philadelphia. In the midst of it all, however, the Congress, barely a quorum being left, made the very dignified record of their exodus above given. The result of their really most precipitate retreat, is strikingly depicted by Col. John Cadwallader in a letter to Robert Morris, of the 15th, three days afterwards, from Bristol : “For God's sake, why did you remove from Philadelphia? You have given an invitation to the enemy, you have discovered a timidity that encourages our enemy and dispirits our friends. You have given a stab to your credit ; and if you pay off your present Army, I believe you cannot find money to raise a new one. The city cannot be taken by surprise. You should have left the city when our troops retreated to it.

<sup>1</sup> Journals of Congress, 1776, p. 506.

The only way to remedy the evils that may follow from this impolitic step is to return. It will have the effect almost of a victory."<sup>1</sup>

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NOTE XLIII.

THE RHODE ISLAND EXPEDITION OF 1776 A MISTAKE.—  
SIR HENRY CLINTON'S PRIVATE VIEWS.

*Vol. I., p. 129.*

THE number of troops under Clinton, Percy, and Prescott sent to Rhode Island was 7,000, not 10,000 as stated in the text. Howe's second despatch of November 30th, 1776, calls it "a force exceeding six thousand rank and file."<sup>2</sup> An English officer in a letter from New York of November 25th, 1776, gives seven thousand as the number embarked.<sup>3</sup>

Sir Henry Clinton did not wish the expedition sent to Rhode Island. Stedman's History, Vol. II., p. 221, says, "When the expedition was despatched to Rhode Island, Sir Henry Clinton strongly urged that he might rather be permitted to conduct it to the Delaware." To this Sir Henry himself added in his own handwriting "or be landed at Amboy to have co-operated with Lord Cornwallis, or embarked on board Lord Howe's fleet, landed in Delaware and taken possession of Philadelphia."<sup>4</sup>

Had either suggestion been adopted, or had Sir William Howe not divided his force, and thrown the whole into Jersey the beginning of December, a very different result would have followed. He most probably did not desire to bring matters to a conclusion—perhaps that further efforts might be made for a reconciliation. "Every one, as you may imagine, is impatient to hear from the *Howes*. The Minis-

<sup>1</sup> Force, Fifth Series, Vol. III., p. 1230.

<sup>2</sup> Force, Fifth Series, Vol. III., p. 926.

<sup>3</sup> Ibid., p. 840.

<sup>4</sup> MS. note of Sir H. Clinton.

terialists pretend to fear that they are treating with the Rebels, and are inclined to give too good terms, before they have given them a hearty drubbing—their very words. For my own part, I totally despair of any amicable settlement of the dispute, and sincerely lament the bruises that both parties must receive.”<sup>1</sup>

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#### NOTE XLIV.

#### INDECISIVE RESULTS OF CAMPAIGN OF 1776.—ONE OF THE CAUSES.

*Vol. I., p. 134.*

THE following extract from a letter dated London, January 14, 1777, throws some light on one cause of the results of the campaign of 1776.

“There is one very principal fact respecting this unhappy American War, which ought not to escape the public attention. It is the difference between the number of troops paid for and the number in actual service. The *American* establishment is, at this time, fifty-four thousand men. *General Howe's* last returns are under twenty-two thousand; and *General Carleton's* under seven thousand; but not to quibble about half a dozen men, suppose them together to be thirty thousand; it is then a certain fact that this country is paying for four and twenty thousand men more than are in the service. The specie is sent from England for the payment of these troops. \* \* \* \* \* An able calculator affirms, that the expense of this war to *Great Britain*, from the time of the battle of Lexington to the end of the campaign of 1776, has not been less than thirty millions;<sup>2</sup> and the loss of troops *British* and foreigners, by slain, sickness, desertion, &c., has not been less during the same period than twenty thousand men. The *West India* planters and Merchants alone, estimate their losses in the year 1776, by the capture of their ships, at £1,800,000. The other trading vessels, with ordnance, store ships, transports, &c, cannot be put at less than £500,000; and the sailors, or hands on board the several ships, not less than three thousand.”<sup>3</sup>

<sup>1</sup> Private letter of Mr. Claude Crespigny to his personal friend Ralph Izard Force, Fifth Series, Vol. III., p. 1227.

<sup>2</sup> Of pounds sterling.

<sup>3</sup> Force, Fifth Series, Vol. III., p. 1029.

## NOTE XLV.

## CONNECTICUT'S POLITICAL ACTION AND OPINION IN DECEMBER, 1776.—RELEASES IMPRISONED LOYALISTS.

*Vol. I, p. 135.*

THE author's statement of the release of loyalist prisoners by Connecticut should have mentioned that they were released on parole. In the third volume of Force's Archives, Fifth Series, under the month of December, 1776, will be found their paroles in full. The author himself was one of these released prisoners. He was in Connecticut at the time he says its legislature appointed a Committee to make submission to the King's Commissioners and ask a restoration to the King's peace, and hence was not likely to be mistaken on this point.

Mr. Hugh Wallace and Mr. James Jauncey, two of the King's Council of New York, were also among these released prisoners, and they told Governor Tryon on their arrival at New York, that "the temper of the warmest patriots in Connecticut is much softened, and that they wish for peace; they also tell me, from the intelligence they had the opportunities to collect, they are positive a majority of the inhabitants of Connecticut river are firm friends to Government." "This report," continues Tryon, "I can give more credit to, from the number of Connecticut men, that enlist in the Provincial corps now raising."<sup>1</sup>

## NOTE XLVI.

## THE PLUNDER AND DESTRUCTION OF LIBRARIES BY THE BRITISH FORCES.

*Vol. I, p. 138.*

A VERY few of the books of the King's College library

<sup>1</sup> Letter to Lord George Germaine of 31st Dec., 1776. Force, Fifth Series, Vol. III., p. 1514.



have been restored since the Revolution to that institution, now Columbia College.

Only a part of the Morris family library was removed and destroyed, some of it being in existence at the present time. The Rittenhouse Orrery was saved, and was for many years, and is yet, it is believed, in the possession of the University of Pennsylvania, in Philadelphia.

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### NOTE XLVII.

WILLIAM SMITH AND THE NEW YORK PROVINCIAL CONVENTION.—AIDS IN FRAMING A CONSTITUTION FOR THE STATE.—HIS NAME NOT IN THE ACT OF ATTAINDER, NOR HIS ESTATE CONFISCATED.—HIS WILL AND DEATH.

*Vol. I., p. 143 and p. 150.*

WILLIAM SMITH retired from Haverstraw to Livingston Manor in November or early in December, 1776. Letters for him from Gov. Tryon and others were received by flag of truce through Gen. Heath, at Peekskill, who sent them, on Dec. 11, 1776, to the New York Provincial Council, the President of which, pursuant to a vote of that body, forwarded them unread to Smith.<sup>1</sup>

The New York Provincial Convention, then sitting at White Plains, had on the first of August, 1776, on the motion of Gouverneur Morris, appointed a committee of thirteen to "report a plan for instituting and framing a new form of government" for the *State* of New York,<sup>2</sup> which had sprung into a separate, independent existence three weeks before, by the adoption of the Declaration of Independence, at

<sup>1</sup> Journals Prov. Con., Vol. I., p. 748.

<sup>2</sup> Journals Prov. Con., Vol. I., p. 552. The following gentlemen were the committee: Mr. Jay, Mr. Hobart, Mr. Wm. Smith (of Suffolk Co., L. I.), Mr. Duer, Mr. Morris, Mr. Robert R. Livingston, Col. Broome, General Scott, Mr. Abraham Yates, Mr. Wisner, Sr., Mr. Samuel Townsend, Col. De Witt, and Mr. Robert Yates. The Convention on 17th of August adjourned, and met at Fishkill on the 5th of September, 1776.

that place, on the ninth of the preceding July. John Jay was appointed chairman. William Smith was consulted out of doors, as the author states, and did much of the drafting of the instrument. Progress was very slow. Nearly three months afterwards John McKesson—the Secretary of the Convention—writes in a private letter to George Clinton, dated October 18, 1776, “The Plan of Govern<sup>t</sup> and Justice (a child of Heaven) is so far come to Maturity that I had the honor yesterday to make a copy of it for some other Members of the Committee on Govern<sup>t</sup>, and has not yet been further exposed to view.”<sup>1</sup> It was held through the winter in Committee, and not reported to the Convention till the 12th of March, 1777, when it was presented and read by Mr. James Duane.<sup>2</sup> It was discussed another month, and finally adopted on the 20th of April, 1777, by the vote of “every Member except Colonel Peter R. Livingston, who desired that his dissent thereto be entered on the Minutes.”<sup>3</sup>

In after life in Canada, when Chief Justice, Smith was visited at his own house in Quebec in the year 1789, by the late Dr. Samuel L. Mitchell, of New York. In the course of the evening the Doctor was invited into Mr. Smith's study, and seated beside him on a sofa. Before them “stood a table supporting a large bundle of papers,” which Mr. Smith untied, and after a search produced one which he said he had written in 1775, and read it to the Doctor. “This, sir,” added he after finishing it, “is a copy of the letter which I sent to a member of Congress in 1775, who was an intimate friend of General Washington.”<sup>4</sup> You may trace to this source the sentiments in favor of a more energetic government for your country, contained in the Commander-in-chief's circular letters, and from this there can be no doubt, that the citizens of all the States derived their leading hints for your new form of government.”<sup>5</sup>

<sup>1</sup> MS. Letter in Clinton Papers in State Library of New York.

<sup>2</sup> Journal Prov. Con. Vol. I., p. 833. Judge Wm. Jay says it was in John Jay's handwriting. Life of Jay, Vol. I., p. 69.

<sup>3</sup> Journals Prov. Con., Vol. I., p. 892.

<sup>4</sup> This was probably John Jay.

<sup>5</sup> Sabine's Notice of Smith, Loyalists, Vol. II., p. 313.

Such was his own modest opinion of his influence on the Constitution of the *United States*. As his drafts relative to the Constitution of *New York* were probably in that same "large bundle of papers," it is to be wished that he had spoken on that subject also to Dr. Mitchell, but it does not appear that he did. His brother, Joshua Het Smith, the friend of André, and his brother-in-law, the Rev. Abraham Keteltas, were both members of the Convention, and strongly aided in the passage of the Constitution of 1777.

On the 7th of March, 1777, certain resolutions, called in the Journals of the Provincial Convention "an act of grace to such of the inhabitants who are gone, or sent out of the State, or confined, or disaffected persons," were adopted, by which an oath of allegiance to the State and to discover all plots against it, was to be tendered to all such persons. All who took it were to be discharged, all who did not were to be sent off with their families, bag and baggage, to New York, and all who did not willingly go were "to be confined in close jail and otherwise treated as the open enemies of this State," and their personal property seized and sold and the proceeds paid into the State treasury.<sup>1</sup>

As Smith did not take the oath here mentioned, on the 7th of June, the Convention—not "committee," as the text says—summoned him before them, and the Chairman asked him this question: "Whether he considers himself a subject of the independent State of New York?"

"He desires that what follows may be accepted as his answer:

That he does not consider himself discharged from his oaths of fidelity to the Crown of Great Britain. He refers to his letter of the 4th of July last,<sup>2</sup> in answer to a summons of a Committee of the Honourable Congress for an elucidation of his political sentiments. He has strictly conformed to his parol in that letter, nor will infringe it. He then conceived a separation from Great Britain could not be contended for with safety to the rights, liberties, and privileges of this country; and from a deep concern for the Colonies, he prays God that peace may be restored by a happy, safe, and generous reconciliation."

<sup>1</sup> Journals Prov. Con., Vol. I., p. 827.

<sup>2</sup> This letter has not been preserved; its date, strangely enough, was July 4, 1776.

The same afternoon the Convention ordered him back to the Manor of Livingston, on the following written parole, which he subscribed, "that I will neither directly nor indirectly, by word or deed, oppose or contravene the measures of the United States of America, or either of them, for supporting their independence, or for supporting the present Constitution of the said State" (of New York).

At this examination of Smith there were present the following members of the Convention or Council of Safety: "Pierre van Cortlandt, *President*: Messrs. Hobart, Ab<sup>m</sup> Yates, R. Harpur, Col. Dewitt, G. Livingston, Gen. J. M. Scott, Major Tappen, Mr. Cuyler, Major van Zandt, Mr. Jay."<sup>1</sup>

The following extract and letter from the Journal of the Council of Safety of Nov. 12th, 1777, shows Smith's next move.

"A letter from William Smith requesting permission to go to the City of New York was read, and is the words following, to wit:

*"Manor of Livingston, 9 Novr., 1777.*

"GENTLEMEN—I have hitherto borne up against the misfortune of being a prisoner in my native country, from a consciousness that I have ever sought her welfare, and a persuasion that the Measure owed its origin not to any suspicion of my enmity to her interests, but to views of general expediency. Being any enemy to no man, I have a pleasure in believing no man to be mine.

"But whatsoever was the motive to it, my imprisonment is painful. It traverses my private interest, and does violence to my humanity, and tenderest offices of affection. I wrote therefore lately to Governor Clinton, to prevent my being longer separated from my estate at Haverstraw, where I have relations who are great sufferers, and my presence is wanting for their succour, and the recovery if possible of my plundered effects.

"But I have a further wish, and that is to repair to the capital, not only to answer a call upon me for aid from my daughter in England,<sup>2</sup> but to gratify my own desire, to contribute towards abating the acrimony of the present war, and exciting to overtures of peace.

"I flatter myself, that though you may perhaps suspect the event will be a lesson to my vanity, you will nevertheless perceive the impossibility that any efforts of that kind will be injurious to the public.

"Except furniture, my servants and such conveniences as I shall

<sup>1</sup> Journals Prov. Con., Vol. I., p. 960.

<sup>2</sup> Janet, wife of Gen. John Plenderleath.

want for my family in town, I leave everything else in the power of my country. All I have upon earth is here, as a pledge of my attachment to her interest. If she is happy, I am satisfied. I must share her fortunes. If she is ruined, so am I.

"I am, gentlemen

"Your most obed. Servant

"WM. SMITH.

"*Resolved*, That William Smith's request be not granted."<sup>1</sup>

The next year, 1778, he was permitted to go to New York, as stated by the author in the text. The letters of Smith himself and others of his family to Governor George Clinton still in existence show the friendly relations existing at this period between them.<sup>2</sup>

The oath referred to by the author, which Smith and Colden refused to take, is as follows :

"I A. B. do solemnly, and without any mental reservation whatever, swear and call God to Witness, that I believe and acknowledge the State of New York to be of right a free and independent State, and that No authority or power can of right be executed in or over the said State, but what is, or shall be granted by, or derived from the people thereof; and further that as a good subject of the free and independent State of New York, I will to the best of my Knowledge and ability, faithfully do my duty, and as I shall keep or disregard this oath, so help and deal with Me Almighty God."

Colden was the first person called on to appear and take it, and Smith was the next. On their refusal they were sent to Fort Clinton and there put on board the flag of truce sloop for New York, where they landed, Monday, August 10th, 1778.<sup>3</sup>

Not only was Smith's name not included in the act of attainder of 22d October, 1779, nor his estate confiscated, but no steps under any of the subsequent acts passed to seize and

<sup>1</sup> Vol. I., p. 1079.

<sup>2</sup> MS. Clinton Papers in the State Library of New York.

<sup>3</sup> N. Y. Gazette, August 17, 1778, and Pennsylvania Packet, 17th Sept., 1778, in Moore's Diary Am. Rev., Vol. II., pp. 83 and 95. The latter paper closes its account of Smith's arrival with these words, showing a full appreciation of his character: "Where then will such as Mr. Smith, who are justly despised both by royalists and Americans, find shelter and relief?"

confiscate the property of loyalists *not named in the act* were ever taken against him. He and his heirs always remained in possession and enjoyment of the whole of it without let or hindrance. So shrewd was he, and so well aware of his standing with the New York *State* authorities, that he took care to make his will just before leaving this city at the evacuation of New York on 25th of November, 1783, so that it might be the will of a resident. It was executed and dated November 16, 1783, nine days before the evacuation, and for greater safety was executed in *duplicate*. It bequeathed to his wife and four children 3,000 pounds (currency) each, and devised the rest of his estate, real and personal, to them in five equal shares. He left with Sir Guy Carleton for England at the evacuation of New York; remained there soliciting a government appointment till the end of 1785, when he obtained that of Chief Justice of Canada, and went to that province in 1786. He died at Quebec, December 3, 1793, and his will was proved and recorded there on January 30, 1794. The late James Dexter, of Albany, whom the writer well knew, was the agent for the estate. The lands in New York were finally sold in a partition suit in 1854, and the proceeds divided among the heirs.<sup>1</sup>

As to the Act of Attainder, see the author's full discussion of it in chapters XIV. and XV. of volume second, and the editorial notes to those chapters.

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#### NOTE XLVIII.

MAJOR COLDEN AND THE REV. MR. KETELTAS.

*Vol. I. p. 146.*

THE MAJOR COLDEN, referred to by the author in connection with William Smith, was *Cadwallader*, usually mentioned

<sup>1</sup> N. Y. Hist. Mag., Vol. IV.. N. S., p. 267.

as the "eldest" son of Governor Cadwallader Colden.<sup>1</sup> His wife was Elizabeth, daughter of Col. Thomas Ellison of New Windsor. He was seized in his bed at night, in June, 1776, by the orders of the Ulster County Committee of Safety—committed by them to Ulster County Jail. He appealed to the New York Provincial Convention, by which body he was harassed in various ways, imprisoned in the American Prison Ships, or "Fleet Prison," as it was officially called by the Convention at Rondout; was there nearly starved to death with the other unfortunate prisoners, and, at last, by the Legislature allowed to go to New York as stated in the text. He died at Coldenham, Feb. 18, 1797, aged 75 years. His letters and the proceedings of the Provincial Council, in their published Journals and Correspondence, show clearly the cruel tyranny to which he was subjected, and the sufferings he underwent.

The Rev. Mr. Kettletas mentioned in the anecdote on page 149 was the Rev. Abraham Kettletas, pastor of the Presbyterian Church at Jamaica, Long Island. Born in New York, 26th Dec., 1732, graduated at Yale College in 1752, he was settled first at Elizabeth, New Jersey, and subsequently came to Jamaica. His wife was Sarah, the third of the five sisters of William Smith. He took the American side in the Revolution by Smith's advice; was a member of the Convention which framed the Constitution of New York, and aided strongly in carrying it through. He, however, talked so much that he bored that body, and to this fact was owing section XXXIX. of that instrument, forbidding clergymen to hold any civil or military office. He returned to Jamaica after the war, and died there, 30th September, 1798, aged 65. His wife died in 1815, aged 84.

His daughter Sarah married Thomas Hackett, who came from Holland to New York in 1794, and was the mother of the late James H. Hackett, the celebrated actor.<sup>2</sup>

<sup>1</sup> He was the eldest *surviving* son of Governor Colden at this time, 1776-7, the first son of the Governor, *Alexander*, having died 12th December, 1774, and the second, *David*, while an infant. This *Cadwallader*, the *third* son, was born in New York, 26th May, 1722, and died as above stated, 18th February, 1797. N. Y. Genealogical and Biographical Record, Vol. IV., pp. 170, 171.

<sup>2</sup> Thompson's Hist. Long Island, Vol. II., p. 112.

## NOTE XLIX.

## THE DE LANCEYS OF NEW YORK.—THEIR ORIGIN.

*Vol., I., p. 154.*

ETIENNE (in English Stephen) de Lancey, the first of the de Lanceys who came to America, was the only son of the Seigneur Jacques de Lancy and his wife Marguerite Bertrand, daughter of Pierre Bertrand, of Caen in Normandy, by his first wife the Demoiselle Firel.<sup>1</sup> He was born at Caen in 1663. At the time of the Revocation of the Edict of Nantes, October 18th, 1685, his father was dead, and his mother advanced in life. Being Huguenots, as the French Protestants were termed, he was obliged to fly from France, and his mother compelled to go into concealment at Caen.

The parting and thoughtful gift of the latter to her son, easily concealed about his person, was some of the family jewels. He succeeded in reaching Rotterdam, in Holland, in safety. Deciding to become a British subject, and go to America, he crossed to England, was denizened in London, and took the oath to James II., on March 11, 1686, the letters patent of denization bearing that date. Shortly after he sailed for New York, where he arrived on the 7th of June, 1686. He took out letters of denization in New York also, under Governor Dongan's hand and seal, on 7th July, 1686, and on 7th September, 1687, took the oath of allegiance under the Colonial Act of 1683.<sup>2</sup> The sale of his jewels in London gave him the £300 sterling (in round numbers \$1,500) mentioned in the text, and enabled him in New York to enter on a successful career as a merchant. He married 23d January, 1700, Anne, daughter of Stephanus van Cortlandt<sup>3</sup> and his wife Gertrude Schuyler.<sup>4</sup> He was Alder-

<sup>1</sup> MS. Bertrand genealogy in French, given to General de Lancey during a visit to Caen after the peace of Amiens, now in the writer's possession.

<sup>2</sup> Assembly Journals of N. Y. from 1691 to 1743, vol. i., pp. 514 to 520.

<sup>3</sup> The eldest son of Oloff Stevens van Cortlandt, the first of that family in America by his wife Anne Loockermans, whom he married 26th Feb., 1642.

<sup>4</sup> Daughter of Philip Pieterse Schuyler, the first of that name in New York, by his wife Margaretta van Slechtenhorst.



man of the Fourth Ward of New York from 1691 to 1693 inclusive, and Member of Assembly from 1702 to 1715, except 1709, and again from 1725 to 1737, in all twenty-six years.<sup>1</sup> He died the 18th of November, 1741, and was buried in his family vault, (the one in the middle aisle nearest the chancel) in Trinity Church, New York, of which he was a vestryman at the time of his death. He was one of the founders and a benefactor of the French Church du St. Esprit in New York, but left it during the troubles between the pastors Moulinaars and Rou, and became an Episcopalian.

His children mentioned in the text are those only who lived to maturity. He had really ten children,<sup>2</sup> viz.: 1. Etienne (Stephen), b. 28th August, 1700; d. young. 2. Jacques (James), b. 5th April, 1702; d. young. 3. Jacques (James), b. 27th Nov., 1703; d. July 30, 1760—the Chief-Justice and Lieutenant-Governor of New York. 4. Pierre (Peter), b. 26th Aug., 1705, d. 17th Oct., 1770, of Westfarms, Westchester, mentioned in the text. 5. Susanna, b. 1707, m. 1731 Admiral Sir Peter Warren, K.B. 6. Anne, b. 14th Nov., 1711, d. young. 7. Etienne (Stephen), b. 1st July, 1713—a merchant, d. a bachelor in 1745. 8. Jean (John), b. 11th July, 1716, died in 1741 a bachelor—a merchant. 9. Oliver, b. 16th Sept., 1718, d. Oct. 27, 1785, member of the Governor's Council, and Brigadier-General, mentioned in the text. 10. Anne, b. 23d April, 1723, d. 1775, married 1762 Hon John Watts, of New York, a merchant and member of the Governor's Council.

The family name, originally "Lanci," and subsequently "Lancy," he anglicised by inserting an "e" in the final syllable, and also translated his Christian name into English, upon becoming a British subject—always writing it after he came to New York "Stephen de Lancey." The latter form the patronymic has since retained. The "de" is merely the French prefix of nobility.

<sup>1</sup> MS. Journals of the City Corporation during the years given. Also lists of city officers in "Corporation Manuals" of New York.

<sup>2</sup> Their births and baptisms are in the Register of the French Church du St. Esprit in New York.

The family belongs to the "Isle de France," the old French Province of which Paris was the capital, and to that part of it adjoining Picardy, anciently, and sometimes still, termed the "Laonnois," from its chief city of Laon, for centuries the city of the Prince-Bishopric or Duchy of Laon, and to-day the capital of the Department of the "Aisne." The allusion in the text to the "French peerage" of Etienne de Lancey is explained by the following statement, drawn from the authorities cited at the close of this note. It also explains the reference to his family and inheritance in the New York Weekly Journal of the 30th of November, 1741.

The first of the name, of whom there is any authentic record, was Guy de Lancey, Ecuyer, Vicompte de Laval et de Nouvian, who in 1432 held of the Prince Bishop of Laon the fiefs of Laval and Nouvian,<sup>1</sup> villages and territories a few miles south of that city. His wife was Anne de Marcilly. He had a son John, who succeeded in 1436; he a son also named John, who succeeded in 1470, who was a deputy to the States General of Tours in 1484, and present at the battles of Fornoue and Ravenna; he a son, Charles I., who succeeded in 1525, and a daughter, Isabeau, who married the Seigneur de Barenton. This Charles I. gave, on the 16th of May, 1525, to Louis de Bourbon, Bishop and Duke of Laon, his "aveu et denombrement" (acknowledgment of the feudal tenure), of the fief entitled "le four banier de Laval," a dependency of the Duchy of Laon. He was married twice: 1st, to Nicole St. Père, by whom he had one child, a daughter, married to Antoine Pioche of Laon; 2d, to Marie de Villiers, by whom he had two sons, Charles II., and Christophe, created Baron de Raray. Charles II. succeeded in 1535 as fifth vicompte; his wife was Isabeau Branche,<sup>2</sup> whom he married 15th April, 1534. They had three sons, Charles III., Jacques, and Claude, and one daughter Barbe. Charles III., sixth vicompte, married: 1st, on July 21st, 1569, Madeleine Le Brun; and 2d, on 15th of January, 1593, Claude de May.

<sup>1</sup> Sometimes spelt "Nouvion." The Seigneur de Laval was anciently one of the four vicomptes of the Laonnois.

<sup>2</sup> Daughter of Furié Branche, Ecuyer, Sieur de Brèan.

He was present at the battle of Ivry in 1590. By his first wife he had Charles IV., Seigneur de Cocquebine, created by the King a Counsellor of State in 1652, who died in 1667, leaving by his first wife, Françoise de Crochart, a son, Charles V., Seigneur de Charlemont, who died unmarried, when this *first line of the whole blood of the eldest branch became extinct in the males*; and two daughters, Marie, died unmarried in 1674, and Anne, wife of Antoine le Parmentier, Ecuyer, Sieur de Cauroi. By his 2d wife, Dame Marthe de Resnel, he had no issue.

Charles III., by his second wife above mentioned, Claude de May, had Charles de Lancy, Sieur de Suine et de Niville, Counsellor of the King in 1654, Antoine, a Canon of the Cathedral of Laon, and of course unmarried, and Claude. Charles Sieur de Suine et Niville married 25 June, 1653, Jeanne Ysoré, and died 23d Nov., 1689, aged 78 years. He had one son, Charles Ambroise de Lancy, Ecuyer, Seigneur de Niville et du Coudrai, who was confirmed in the possession of his nobility by an "arret," or decree, of the king in council, of November 30, 1697, in consequence of the proof of the descent then made; which declared that "la Maison de Lancy" was maintained in its "noblesse," and its members recognized as "nobles d'ancienne extraction," and as such of right enjoyed, and were entitled to, all the privileges belonging to the "noblesse" of France. This Charles Ambroise married 9 January, 1702, the Demoiselle Marie Madeleine Labbè, and had only one child, a son, Pierre Charles de Lancy, Ecuyer, Seigneur de Niville et de Blarus, born 5 June, 1707, who died without issue in 1750, when this *line of the half blood of the eldest branch became extinct*.

Jacques, abovenamed, second son of Charles II., the father of Jacques of Caen, whose son Etienne, born in 1663, came to New York in 1686, as above stated, was the ancestor of the Huguenot, or *second line of the eldest branch*. His descendants, as Protestants being "civilly dead," and by law incapable of being registered, of course do not appear in the French genealogies subsequent to the beginning of the seventeenth century.

Claude, the third son of Charles II., Seigneur de Charlus, married the 5th of February, 1577, Marguerite de Brisset, and had two sons John, and Charles. John married, in 1625, Madeleine Martin, and their son Charles married, in 1653, Elizabeth Saubinet, and their son Louis de Lancy, Seigneur de Bois-Carbonet, and a chevalier of St. Louis, died in 1736, having served in the armies of Louis XIV. and Louis XV. forty-seven years. He left a widow, Marie Catherine Thérèse, daughter of François Poschet, Seigneur de Nahant, whom he married 1st April, 1723, and four children, three sons, Louis Charles, Nicholas Charles, Gabriel, and one daughter, Françoise. These sons left no descendants. Charles, the second son of Claude, the third son of Charles II., married Elizabeth Marcigny, and dying in 1643, left her a widow with young children, names not given, who did not survive. *Thus the third line of the eldest branch became extinct.*

Christophe, the second son of Charles I., Ecuyer, Vicompte de Laval et de Nouvian, above named, *the first of the youngest branch* in France, was created Baron de Raray (sometimes spelt Rarèt, Rarè, and Rarai,) a dependency of Dravegny, in the Duchy of Valois, one of the four "barronies vassales" of the Bishoprick of Senlis. He married 1st, Barbe de Louen on the 10th December, 1539, who died without issue, and 2d, Françoise Lami, daughter of Pierre Lami, Seigneur de la Morlière, on the 19th January, 1553, and dying in 1584, left by his second wife, a son Nicolas, second Baron, who was Treasurer-General to Gaston, first Duke of Orleans, and left by his wife Lucrèce de Lancise, a lady of Florence, four children : 1. Henry de Lancy, third Baron, in whose favor the territory of Nèry in the Valois was erected into the Marquisate of Raray in 1654, the letters of creation being registered on the 17th of January in that year. 2. François de Lancy, Seigneur d'Aramont, known as the Chevalier de Raray, who died unmarried, being killed in the trenches at the siege of Condé on the 17th of August, 1674. 3. Charles de Lancy, Seigneur de Ribecourt et Pimprè, who married Madeleine, widow of Philippe d'Aguesseau, but died in 1675 without issue. 4. Madeleine de Lancy, married, 11th of November, 1619, to

Charles de Mornay, Seigneur de Montchevreuil. Henry, his son Gaston, and his brother Charles, were maternal cousins of the famous Madame de Sévigné, and as such signed the contract of marriage of her daughter with the Comte de Grignan, and were present at the ceremony.

Henry de Lancy, third Baron, and first Marquis de Raray, married Catherine d'Angennes January 20th, 1633, and had issue, Gaston Jean Baptiste, second Marquis, Charles de Lancy-Raray, killed at the siege of Lille in 1667, unmarried; and a daughter, Marie Charlotte, who married Louis des Acres, Marquis de L'Aigle, and died at Paris on the 27th August, 1724, aged 82 years.

Gaston Jean Baptiste de Lancy, fourth Baron, and second Marquis de Raray, married the 4th of May, 1660, Marie Luce Aubéry, daughter of Robert, Marquis de Vatan, and had two sons: 1. Charles Henri de Lancy, third Marquis, made a page to the King, Louis XIV., in 1679, who died unmarried. 2. Gaston Jean Baptiste de Lancy-Raray, fourth Marquis, who likewise died unmarried. Both of these brothers died in 1680, and *with their death this youngest branch became extinct in the males*. They had five sisters: Henriette, married to the Marquis de Crevecœur and died without issue; Catherine, married the Seigneur de la Billarderie and died without issue; Françoise, and Annette, who both died unmarried; and Marie Luce de Lancy-Raray, who married, on the 26th of February, 1696, Jean François, Comte de Nonant. With her as the last of her family he also took the name of Raray, and uniting it with his own became Comte de Nonant-Raray. He died 24th March, 1740, aged seventy-five; and she the 16th March, 1743, aged eighty; their descendant in the fifth degree is the present Comte de Nonant-Raray.

Thus of all the branches of the family the Huguenot one alone exists at this day, and the name of de Lancy, for more than a century extinct in France, is a familiar one in America, to which it was borne, simply and solely for fidelity to religious principle, nearly two centuries ago.

The law of 1789 removed all legal disabilities from the

descendants of the Huguenots, and gave them the right to recover their rank, titles, and estates, of which they were deprived by the different edicts of Louis XIV., and their very names forbidden to be registered, as being "civilly dead," unless they abjured Protestantism ; but few of them, to their credit, have ever taken advantage of it. The details and genealogy above stated are condensed, correctly it is believed, from the official MS. "de Lancy" genealogies in the "Armorial Général de la France," 2d Register, 2d volume, in the National Library at Paris,<sup>1</sup> and from the MSS., in the archives of the Department of the Aisne, from which a genealogy from Guy to Charles III. is given in the *Dictionnaire Historique du Département de L'Aisne*, by M. Melleville, published in two volumes, 8vo, in 1865 ;<sup>2</sup> also from the "Tablettes Généalogiques des Maisons Nobles de France," under "Lancy-Raray," "Nonant," and "Aubéry de Vatan," in the *Annuaire de la Noblesse* for 1855, by M. Borel d'Hauterive ; from the "Dictionnaire de la Noblesse de France," Vol. VIII., by M. de la Chenaye-Desbois, Paris, 1784, under "Lancy ;" from "Le Palais de l'honneur" by le Frère Anselme, Paris, 1674, under "d'Angennes," and from "Le Nobiliaire de Picardie," Paris, 1693, under "Lanci." The Roman numerals above prefixed to the same Christian name in different generations, are so given in the first two authorities above named, and are commonly used in French genealogical works, especially in the older ones.<sup>3</sup>

<sup>1</sup> The MSS. forming this work were first printed in 1738-68, by order of Louis XV. The writer examined the originals himself, in 1868. They were also examined, and full copies of those of "de Lancy" taken, by the late James Fenimore Cooper, in 1833, who gave translations of them to the writer some years before his death.

<sup>2</sup> M. Melleville told the writer, in 1868, that the MSS. whence he took his statement are in perfect preservation.

<sup>3</sup> The arms are thus blazoned in the *Armorial Général de la France*, "ARMES : d'or, à l'aigle éployée de sable, chargée sur l'estomac d'un ecusson d'azur, à trois lances d'or, posées en pal, les pointes en haut." ARMS ; or, an eagle wings displayed, sable, charged on the breast with a shield azure, three tilting lances, or, in pale, points upward. These arms, originating before crests were introduced in heraldry, were modified, like his name, by Etienne de Lancey, on becoming a British subject, to make them more like English arms, most of which have crests.

## NOTE L.

## JAMES DE LANCEY, CHIEF JUSTICE, AND LIEUTENANT-GOVERNOR OF NEW YORK, AND HIS DESCENDANTS.

*Vol. I., p. 155.*

THE commissions of James de Lancey as Chief Justice, and Lieutenant-Governor of New York, are in the writer's possession, the first dated September 14th, 1744<sup>1</sup>, the latter dated October 27th, 1747, under the sign manual of George II., and countersigned by the Duke of Newcastle, being the identical commission kept back by Governor George Clinton for six years, as stated by the author in the text.

On the tragic death of Sir Danvers Osborn by suicide on the 12th of October, 1753, the command of the Province devolved upon Chief Justice de Lancey. He retained it for about two years till the arrival of Admiral Sir Charles Hardy as Governor, on September 2d, 1755. After ten months residence Sir Charles, on the declaration of war with France, preferring his professional duties, asked leave to resign and take a Naval command.<sup>2</sup> His request was finally granted, and receiving the command of an expedition to Louisburgh, he sailed from New York, July 2d, 1757, just twenty-two months after his arrival, leaving the government of the Province again in the hands of Mr. de Lancey.

As thus modified they were borne by his sons, and the shield appears on the privy "seal of arms" of James de Lancey as Governor of New York.\* They are thus blazoned:—ARMS: azure, a tilting lance proper, point upward, with a pennon argent bearing a cross gules, fringed, or, floating to the right, debruised of a fesse, or. CREST: a sinister arm in armor embowed, the hand grasping a tilting lance, pennon attached, both proper. MOTTO: Certum voto pete finem. Though they are given, as so modified, in English armories, the change was never officially registered in the English "College of Arms."

<sup>1</sup> Given by Governor Clinton "during good behavior." The first one "during pleasure" dated 21st August, 1733, has not been preserved.

<sup>2</sup> See his letter of August 2, 1756, to this effect. Col. Documents of N. Y., Vol. VII., p. 122.

\* Doc. Hist. N. Y., IV., p. 557, where, however, it is incorrectly, and badly, engraved.

It was then, and is still, the policy of the British Government never to appoint a native of a Colony to its supreme command. The Ministry, therefore, were unable to commission Mr. de Lancey Governor, though desiring to do so, but they effected the object, practically, without breaking the rule, by declining to appoint any new Governor as long as he lived, and thus kept the office and the power in his hands under his old commission as Lieutenant-Governor. He therefore remained the ruler of New York till his death on the 30th of July, 1760, a little more than three years afterwards.

He was the ablest Governor New York ever had as a Colony, and possessed greater personal influence and power in the Province than any other single individual ever obtained.

It is a very remarkable fact, and as true as it is striking, that neither he nor his brothers, Peter and Oliver, who, together with their father, wielded during the British rule, the strongest political and social power and influence in New York, *had a single drop of English blood in their veins*. Paternally, as their genealogy shows, they were French for centuries, and maternally they were Dutch from a time unknown. Not till the third generation in America—the children of these three brothers—did any of the de Lanceys possess any British blood whatever. And Oliver, the youngest, and the survivor of the three, who was the Senior Loyalist Brigadier General in the war of the Revolution, and died after its close an exile in England, had not a particle of blood derived from the land, for which he unhesitatingly risked and lost all he possessed in America.

Lieutenant-Governor de Lancey married Anne, eldest daughter of the Hon. Caleb Heathcote of the Council of the Province, Judge, and Colonel of Westchester County, Mayor of New York, and Surveyor-General of the Customs for all North America. By her he had four sons, 1. James, 2. Stephen, 3. Heathcote, 4. John Peter, and four daughters, Mary, wife of William Walton of New York, died in 1767; Susannah, born 18th November, 1737, died unmarried in



1815; Anne, born 1745, died 1817, wife of Judge Thomas Jones of New York, the author of this History, and Martha who died unmarried in 1769, in her 19th year.

James, the eldest son, born 1732, died April, 1800, mentioned on page 154, and so often referred to by the author, the head of the family and of the party known by his name from his father's death to the Revolution, married August 19th, 1771, Margaret, daughter of Chief Justice William Allen of Pennsylvania, sister of the wife of Governor John Penn (Anne Allen) and aunt of the late Mrs. Harry Walter Livingston (Mary Allen) who died in 1855. By her he had two sons: Charles, in early life an officer of the British Navy, who died a bachelor in London, May 6th, 1840, and James, Lieutenant-Colonel of the First Dragoon Guards, who also died a bachelor, May 26th, 1857, at Cheltenham in England; and three daughters: Margaret, who married, 17th July, 1794, Sir Jukes Granville Clifton Jukes, Baronet, and died June 11th, 1804, without living issue. Anna died at Cheltenham unmarried, August 10th, 1851, and Susan, who died at the same city unmarried, April 7th, 1866, when this line of the family became extinct.

\* Stephen, the second son, received a large part of his father's lands in the Manor of Cortlandt, forming what is now the town of North Salem, Westchester County, which he settled. His great double house still standing, has been ever since he presented it to the town for the purpose, the "Academy of North Salem," and was the first incorporated Academy founded in this State after the Revolution. He married Hannah, daughter of the Rev. Joseph Sackett of Crom Pond, Westchester County, but died without having had issue, 6th May, 1795. Heathcote, the third son, died young, before his father.

John Peter, the fourth son of Lieutenant-Governor de Lancey, born 15th July, 1753, died 30th January, 1828, educated at Harrow School in England, and at the Military School at Greenwich, entered the regular British army in 1771, served as captain in the 18th, or Royal Irish, Regiment, and as Major of the Pennsylvania Loyalists, a Provincial corps

commanded by Col. William Allen of Philadelphia. He received the Heathcote estate of his mother (who died in November, 1778) in the Manor of Scarsdale, now the towns of Mamaroneck and Scarsdale, and a small portion of that of his father in New York. He returned to America in 1789, and resided at Mamaroneck, Westchester County, till his death on the 30th of January, 1828. He married, 28th September, 1785, Elizabeth, daughter of Col. Richard Floyd of Mastic, mentioned by the author in this work, the very urbane head of that old Long Island family and the possessor of its large estate in Suffolk County,<sup>1</sup> and had three sons: 1. Thomas James, born 12th August, 1789, a lawyer, who died December 22d, 1822. 2. Edward Floyd, born 18th of June, 1795, died 19th of October, 1820, from an accidental cause. 3. William Heathcote, born 8th of October, 1797, an Episcopal clergyman, Provost of the University of Pennsylvania, Rector of St. Peter's Church, Philadelphia, and first Bishop of Western New York. He died at his residence, Geneva, N. Y., April 5th, 1865, in the 68th year of his age and the 27th of his episcopate. He married, November 22d, 1820, Frances, daughter of Peter Jay Munro of Westchester County, New York, only child of the Rev. Dr. Harry Munro, Rector of St. Peter's Church, Albany, by his wife, Eve Jay, eldest daughter of Peter Jay of Rye, whose sixth brother was Chief Justice John Jay. He had five sons and three daughters: Edward Floyd, a lawyer of New York, the writer of these notes; John Peter, who died without issue in 1870; William Heathcote, died young; Peter Jay Munro, who died a bachelor in 1849, and William Heathcote, 2d, a lawyer of New York, now living. Of the daughters, Margaret married Thomas F. Rochester, M.D., of Buffalo, N. Y., and Elizabeth Floyd, and Frances, both died young.

Of the four daughters of John Peter de Lancey, Anne Charlotte, the eldest, born 17th September, 1786, married

<sup>1</sup> William Floyd, of a younger branch of this family, the signer of the Declaration of Independence and first Senator from New York in the U. S. Congress, was a first cousin of Col. Floyd and as strong a whig as his cousin was a loyalist, but not at all gifted with suavity of manner.

10th December, 1827, was the second wife of John Loudon McAdam, the celebrated originator of McAdamized roads. She died, 29th of May, 1852, at Hoddesdon, England, without issue. Mr. McAdam died at Moffat, Scotland, November 26th, 1836, in his 81st year.<sup>1</sup> Susan Augusta, the second, born 28th January, 1792, married, 1st January, 1811, James Fenimore Cooper, the eminent American novelist and author. She died 20th January, 1852, shortly after her husband, who died September 14th, 1851, leaving one son, Paul Fenimore Cooper, of Albany, a lawyer, and four daughters, now living. Maria Frances, the third, born 3d August, 1793, died 17th January, 1806, Elizabeth Caroline, the fourth, born 4th March, 1801, died unmarried 25th February, 1860, and Martha Arabella, the fifth, born 10th January, 1803, is still living unmarried.

It is a striking fact that in this family, from the birth of Etienne de Lancey, in 1663, (the Huguenot ancestor who first came to New York) to the death of his great-grandson William Heathcote de Lancey the late Bishop of Western New York in 1865, there were but *four generations* during that long period of *two hundred and two years*.

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#### NOTE LI.

PETER DE LANCEY, OF WESTCHESTER — GENERAL OLIVER DE LANCEY, OF NEW YORK, AND THEIR CHILDREN, SUSANNA, LADY WARREN, AND JANE, MRS. WATTS, AND THEIR CHILDREN.

*Vol. I., p. 156.*

PETER DE LANCEY, second son of Etienne de Lancey who left issue, prominent in the affairs of the Province, Member of Assembly for Westchester for many years, was born 26th

<sup>1</sup> Mr. McAdam's first wife, the mother of all his children, was Glorianna, second daughter of William Nicoll, of Islip, Long Island, who was a first cousin of Elizabeth Floyd, the mother of his second wife Miss de Lancey.

August, 1705, and died 17th October, 1770; he married Elizabeth, daughter of Gov. Cadwallader Colden, Jan. 7th, 1737-8, and had issue twelve children. 1, Stephen, a lawyer, Recorder of Albany and Clerk of Tryon County; 2, John, succeeded his father as Member for Westchester, and was also High Sheriff of the same county; 3, Peter, a lawyer of Charleston S. C.; 4, Anne, wife of John Cox, of Philadelphia; 5, Alice, wife of Ralph Izard, of S. C., Delegate in Continental Congress from 1780 to 1783 from South Carolina, U. S. Commissioner to Tuscany in 1777, and U. S. Senator from South Carolina 1789 to 1795; 6, Elizabeth, died single; 7, James, High Sheriff of Westchester for many years before the Revolution, Colonel of the Westchester Light Horse, the famous Partisan Chief of the Neutral Ground, Member of the Council of Nova Scotia, died 2d May 1804, at Annapolis, N. S., aged 58; 8, Oliver, Lieutenant in the British Navy, resigned because he would not fight against his native land in the Revolution, died at Westchester, 4th Sept., 1820; 9, Susanna, wife of Col. Thomas Barclay, mother of Henry, de Lancey, Thomas, George, Sir Anthony, and Beverly, Barclay, and of Eliza, wife of Schuyler Livingston, Maria, wife of Simon Fraser, Susan, first wife of the late Peter G. Stuyvesant, of New York, and Ann, wife of William H. Parsons; 10, Jane, wife of her cousin, Hon. John Watts, Jr.; 11, Warren, drowned a child; 12, Warren, in early life a British cavalry officer, subsequently of Madison Co., N. Y.

OLIVER DE LANCEY, the third of the sons of Etienne de Lancey who left issue, born 16th Sept., 1718, died at Beverly, in Yorkshire, England, 27th Nov., 1785, a merchant, but more prominent in public life, was Receiver-General for many years; a Member of Assembly from 1756 to 1760; Member of the Governor's Council from 1760 to 1783; Colonel of the forces of the Colony, which he commanded in the French War; raised three regiments called De Lancey's Battalions in 1776, of which he was Brigadier-General, and commanded on Long Island till the close of the Revolution. He married Phila, daughter of Jacob Franks of Philadelphia, in 1742, and had issue, two sons and four daughters.

1. Stephen, a lawyer, born 1748, died 6th Dec. 1798 at Portsmouth, N. H., Lieut.-Colonel of one of his father's battalions, Chief Justice of the Bahamas, and Governor of Tobago, married Cornelia Barclay, and his only son was Sir William Howe de Lancey, K. C. B., Quartermaster-General of Wellington's army in 1815, who was killed at Waterloo, and who married Magdalen, daughter of Sir James Hall of Dun-  
glas, but left no issue. His daughters were : Susan, married, first, Col. Wm. Johnson, eldest son of Sir John Johnson, Bart., and, secondly, General Sir Hudson Lowe, K. C. B., Governor of St. Helena during the captivity of Napoleon the Great. Charlotte, her eldest daughter by Col. Johnson, married Count Balmain, the Russian Commissioner of St. Helena. Phila, died single ; Ann, married Wm. Lawson, of Berbice ; Charlotte, married Col. Child, R. A.

2. Oliver, entered the Regular British Army young, was Colonel of the 17th Light Dragoons, succeeded Andr  as Adjutant-General of Sir Henry Clinton's Army. Barrack-Master General of the Empire ; M. P. for Maidstone, and died unmarried in 1820, a full General of the British Army.

The daughters of Brigadier-General OLIVER DE LANCEY were :

1, Susanna, wife of General Sir William Draper, the conqueror of Manilla, and the opponent of "Junius." 2, Phila, wife of Stephen Payne-Galwey, of the Governor's Council of the Island of Antigua. 3, Anna, wife of Colonel John Harris Cruger, the gallant defender of Fort Ninety-Six. 4, Charlotte, wife of Field Marshal Sir David Dundas, of Beechwood, K. C. B., Commander-in-Chief of the British Army.

SUSANNA, LADY WARREN, eldest daughter of Etienne de Lancey, married Sir Peter Warren in 1731, and had five children ; two, Peter and Elizabeth, died infants, and are buried in the de Lancey vault in Trinity Church. The other three, all daughters, were : 1, Anne, married, 1758, General Charles Fitzroy, first Baron Southampton (see any British Peerage for descendants). 2, Charlotte, married, 1768, Willoughby Bertie, fourth Earl of Abingdon (see Peerage for descendants). 3, Susanna, married Lieutenant-General Wil-

liam Skinner, of New Jersey, her second cousin. Her only child, Susanna Maria, married her cousin Major-General Henry, third Viscount Gage (see Peerage for descendants).

ANNE, MRS. WATTS, youngest daughter of Etienne de Lancey, married, 1742, John Watts, of New York, and had : 1, Robert, married Mary, eldest daughter of the titular Earl of Stirling, one of the American Generals of the Revolution. 2, Ann, married Archibald Kennedy, eleventh Earl of Cassilis, whose son was the first Marquis of Ailsa. 3, Stephen and Susan died infants. 5, John—the late Hon. John Watts of New York. 6, Susanna, married Philip Kearny of New York. 7, Mary, married Sir John Johnson, Bart. of Johnson Hall, N. Y. 8, Stephen, Major of the Royal Greens, wounded at the battle of Oriskany. 9, Margaret, married Major Robert Leake. 10, James, died an infant.

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#### NOTE LII.

SKETCHES OF THE EARL OF CARLISLE, WILLIAM EDEN, AND GOVERNOR JOHNSTONE, COMMISSIONERS FOR RESTORING PEACE TO AMERICA, AND OF ANDREW ELLIOTT, COLLECTOR AND LIEUTENANT-GOVERNOR OF NEW YORK.

*Volume I., page 160.*

FREDERICK HOWARD, the fifth Earl of Carlisle, the Chief Commissioner, was the eldest son of Henry, 4th Earl, by his second wife Isabella, daughter of William, 4th Lord Byron. He was born 28th May, 1748, married Margaret, daughter of the 1st Marquis of Stafford, and died 4th Sept., 1825. He was at one time Viceroy of Ireland, and was the guardian of George Gordon Noel, 6th Lord Byron, the Poet.<sup>1</sup>

WILLIAM EDEN was a lawyer, 3d son of Gov. Robert Eden, Bart., born 1745, died 28th May, 1814; married 26th Sept.,

<sup>1</sup> Peerage, "Carlisle."

1776, Eleanor, daughter of Sir Gilbert Elliott, 3d Bart., eldest brother of Andrew Elliott, Lt.-Gov. of New York, and father of the 1st Earl Minto; was Secretary of Ireland, and Ambassador to France; created an Irish Peer 18th Nov., 1789, as Baron Auckland, and an English Peer, 23d May, 1793, by the title of Baron Auckland of West Auckland, in the county of Durham.<sup>1</sup> He was a brother of Robert Eden, the last British Governor of Maryland.

GEORGE JOHNSTONE, called Governor Johnstone from having been Governor of Florida by the appointment of Lord Bute; was son of Sir James Johnstone, and an officer of the Navy, a Member of Parliament, in which he was distinguished as a good speaker, but a man of versatile politics. He it was who made the proposition through Mrs. Ferguson to bribe Gen. Joseph Reed<sup>2</sup> with 10,000 pounds sterling, which that patriotic officer so strikingly and indignantly refused.

The Secretary of this Commission was DR. ADAM FERGUSON, the author of the History of Rome, who died in 1816 at the age of 93. "His life comprised varied incidents. He was a fighting chaplain at Fontenoy and a diplomatist in the wilds of America."<sup>3</sup>

The Commissioners arrived in Philadelphia June 6th, 1778, on the eve of Clinton's evacuation of that city, and returned to England from New York in November, 1778. Their mission was an entire failure.

ANDREW ELLIOTT was the third son of Sir Gilbert Elliott, 2d Baronet, Lord Justice Clerk of Scotland, by Helen, daughter of Sir Robert Stuart, Bart., of Allanbank. He succeeded Archibald Kennedy as Receiver-General and Collector of New York, the 19th January, 1764, and held these offices to the close of the Revolution. In 1780, through the intrigue with Smith and Robertson, described by the author, he obtained the Lieutenant-Governorship of New York, and was in office at the peace of 1783.

<sup>1</sup> Peerage, "Auckland."

<sup>2</sup> Reed's Reed, Appendix No. IV., Vol. I., contains the fullest and best account of this transaction.

<sup>3</sup> Reed's Reed, Vol. I., p. 425.

His niece, not his sister as the text states, was the wife of William Eden, one of the Commissioners, afterwards Lord Auckland, as above stated.<sup>1</sup> His daughter, Eleanor, married first, on 23d Sept., 1773, James Jauncey, son of James Jauncey, Member of Assembly in 1768 and 1769; and, he dying the 11th August, 1777, without issue, she married secondly Admiral Robert Digby,<sup>2</sup> on August 17, 1784, and died in England in 1830. By her last husband she had an only child, a daughter, Jane Elizabeth, who married in 1824 the 1st Earl of Ellenborough.<sup>3</sup> Eloping with the Austrian Prince Schwarzenbergh, this marriage was dissolved by act of Parliament in 1830. Her son by Schwarzenbergh was killed at the siege of Sebastopol. The writer of this note met her in 1868, at Damascus, the wife of the Arab Cheikh Mijoel, the Cheikh of the Bedouins of Palmyra, still a strikingly handsome woman.

Elizabeth, another daughter of Andrew Elliott, married in New York, 10th April, 1779, William, tenth Baron and first Earl Cathcart, an officer in Sir William Howe's army, and chief of the "Knights of the Blended Rose" in the famous "Meschianza," given in honor of him and Admiral Lord Howe, at Philadelphia, in May, 1778.

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#### NOTE LIII.

#### JOHN R. LIVINGSTON AND THE MURDER OF CAPTAIN ERASMUS JOHN PHILLIPS.

*Volume I., page 171.*

THE "John Livingston" mentioned in the text, who was concerned in the death of Capt. Erasmus Phillips, was John R. Livingston, the third son of Robert R. Livingston, the Colonial Judge of the Supreme Court of New York. He

<sup>1</sup> Peerage, "Auckland."

<sup>2</sup> Joseph O. Brown's "Jaunceys of New York," pp. 17 and 19.

<sup>3</sup> Peerage, "Ellenborough."



was born 13th February, 1755, and was at the time a youth of about twenty-one. In after life he became a merchant in New York, was finally unsuccessful, left that city and resided at Redhook, on the Hudson, where he died in November, 1851, at the age of 96 years.<sup>1</sup>

Capt. Erasmus Phillips of the 45th Regiment, or Erasmus John Phillips, as his name was in full, was of the family of Phillips of Picton Castle, Pembrokeshire, Baronets. Colonel Richard Phillips, grandson of the first Baronet, was Governor of Nova Scotia from 1717 to 1749, but resided in that Province only from 1720 to 1731. His Secretary, and subsequently a Councillor of the Province, was his relative Major Erasmus James Phillips, who in 1747 was in charge of all civil affairs at Grand Pré,<sup>2</sup> and was Commandant, or "Fort Major," at Annapolis Royal under Lieutenant-Governor Peregrine Hopson, from 1754 to 1761.<sup>3</sup> He was father, or uncle, probably, of Captain Erasmus John Phillips, who entered the British army as a Lieutenant in the 45th Regiment, Oct. 3, 1755, and continued in that regiment till March 25, 1777, when he was transferred and made Captain in the 35th Regiment.<sup>4</sup> He was, therefore, a Captain in the 35th, and not in his old regiment, the 45th, as stated in the text, at the time of his murder, a few months after his promotion.

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#### NOTE LIV.

##### CAPTAIN DUNBAR AND THE INHUMAN TREATMENT OF HIS WIFE BY THE AUTHORITIES OF CONNECTICUT.

*Volume I., page 175.*

THIS "Captain Dunbar" was Captain Moses Dunbar of Waterbury, Connecticut, and a native of that Province. The

<sup>1</sup> Holgate, *Am. Genealogies*, "Livingston." Clarkson's *History of Clermont Manor*, p. 156.

<sup>2</sup> Murdoch's *Hist. of Nova Scotia*, Vol. I., p. 467-8, and II., p. 104. Nova Scotia Archives, p. 17. Burke's *Peerage and Baronetage*, "Phillips of Picton."

<sup>3</sup> Army Lists.

<sup>4</sup> Army Lists.

"Pennsylvania Evening Post" of 8th March, 1777, referring to him, merely says: "Moses Dunbar of Waterbury, convicted of having a Captain's Commission from General Howe, and enlisting men to serve in the Ministerial army—sentenced to death, but the time of his execution not fixed on."

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NOTE LV.

EXTENT OF THE BURNING OF DANBURY.

*Volume I., page 177.*

THE expedition landed at 4 P.M., April 25th, marched all night and reached Danbury the 26th, at 2 P.M., returned the next day and embarked just before sunset on the 28th at Compo. The Selectmen of Danbury informed the Assembly of Connecticut in a memorial, dated May 8, 1777, twelve days after the fire, "that the British troops had made a hostile invasion into said town, and that under pretence of destroying public stores, consumed with fire about twenty dwelling-houses, with many stores, barns, and other buildings; and that on their retreat they had driven off all the live stock they could find," and asked for a committee to inquire into the losses of each person in Danbury."<sup>1</sup>

Daniel Sherman, Nehemiah Beardslee, Increase Mosely, and Lemuel Sandford were appointed. "The committee repaired to Danbury on the 3d day of June, 1777, and after having notified the inhabitants, and from day to day examined the losses of each sufferer upon oath and by other evidence, and allowed to each his damage at the time said property was destroyed; they found that by reason of the price of articles the inhabitants had been obliged to pay large sums over and above the value, in procuring necessities for their families; that many of them had their teams forced from them to remove the public stores, etc. The committee reported to the

<sup>1</sup> Hinman's Historical Collection from Official Records of Connecticut, p. 278.

Assembly the name of each sufferer with his loss allowed, annexed to his name, which amounted to the sum of £16,181 14 (Connecticut currency), which report was accepted by the Assembly."<sup>1</sup> The above sum, it will be seen, includes the cost of necessaries purchased to replace those destroyed.

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NOTE LVI.

MAJOR RETURN J. MEIGS'S EXPEDITION TO SAG HARBOR AND  
HIS PAROLE.

*Volume I., page 182.*

THE officers taken prisoners at Quebec were lodged in the Seminary, and the soldiers confined in the College of the Recollets, in that city. The plot to escape was discovered on 31st of March, and the confinement was stringent thereafter. Sir Guy Carleton sent the prisoners home by sea on parole in August, not July, as the text states, their paroles being dated August 7th, 1776. They arrived in New York Harbor on the 11th September, and were exchanged at the close of that month, and landed at Elizabethtown point.

Judge Henry, in his detailed account of Arnold's expedition, says, Major Meigs and Captain Dearborn had been permitted to return on parole in the preceding May, in the *Niger* frigate to Halifax, whence by another ship they went to Penobscot Bay, and proceeded by land to Portland, and were exchanged in *March, 1777*.<sup>2</sup> The Sag Harbor expedition took place on the 23d of the following May, about eight weeks afterwards. The author, probably, was not aware that the exchange had been made when the expedition took place, and his censures on Major Meigs and Congress are undeserved, as there was no violation of the parole of the former, as he supposed. Congress voted Meigs their thanks and a

<sup>1</sup> Hinman's Historical Collection from Official Records of Connecticut, p. 614.

<sup>2</sup> Maine Hist. Soc. Coll., Vol. I., p. 528.

sword on August 3d, 1777. In 1779 he commanded a regiment under Wayne at Stoney Point. After the war, in 1788 or 1789, he went to Ohio among its first settlers, was agent for Indian affairs in 1816, and died at the Cherokee Agency, Jan. 28th, 1823.<sup>1</sup>

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NOTE LVII.

THE PLUNDERING AND BURNING OF THE SEAT OF GENERAL DE LANCEY AT BLOOMINGDALE, AND THE BARBAROUS TREATMENT OF THE LADIES OF HIS FAMILY BY THE AMERICANS, NOVEMBER, 1777.

*Volume I., page 185.*

THE Miss Charlotte de Lancey mentioned by the author, who was afterwards the wife of Field Marshal Sir David Dundas, of Beechwood, K.C.B., gave the writer of this note, while visiting her at Beechwood in 1835, a vivid account of the burning of her father's house, just as related by the author in the text, but in greater detail. The Miss Floyd, her fellow-sufferer, was afterwards the wife of John Peter de Lancey, of Mamaroneck, mother of the late Bishop de Lancey, of Western New York, and grandmother of the writer. Lady Dundas said that she and Miss Floyd were sleeping together, and were roused by the sound of voices in the grounds. Thinking it was some of the negroes, who ought at that hour to have been in the house, they went to the window, and, throwing it open, exclaimed, "Who is there?" "Put in your heads, you bitches," was the reply, and instantly the house was broken into, front and rear, and the robbery began. They were told "to get out quick," as the house was to be burnt. Some of the party began to strike them with their muskets, and were also inclined to keep them from escaping, but one of them ordered the others to stop, and bid the ladies

<sup>1</sup> Allen, Biog. Dict., p. 578.

"be off as fast as you can." Miss Floyd started down stairs first, both being in their night-dresses merely, and as she did so, one of the men threw a lighted window curtain directly upon her. Luckily she dashed it off as she ran, and escaped the horrid fate intended. Miss de Lancey rushed for the baby of her brother, and followed Miss Floyd instantly, with the child in her arms, its mother being absent at the time. Mrs. de Lancey was an elderly lady, and unable to run, she therefore crept into a dog-kennel under the stoop, which, fortunately, was of stone. The other ladies fled into the woods and swamps, in what is now the Central Park, and passed the night in the thickest bushes they could find, sitting upon their feet to keep a little warmth in them, until they were found and taken to Mr. Apthorpe's in the morning. Mrs. Cruger got out and off by herself, and walked about all night, instead of hiding in one place, and so wandered far and got lost, as the author states. No attempt was made to insult them, Lady Dundas said, "as the rebels were too eager to plunder, burn the house, and get off safe."

The Americans were "the water guard," from Tarrytown and its neighborhood, not a part of a regular regiment, and their object, it is said, was the twofold one of pillaging and revenging an attack by Col. Emmerick on that place and its neighborhood, a short time before.

Governor Clinton, in a letter to the New York Council of Safety, written from his house at "Little Britain," 1st Dec., 1777, says :

"A small party from our advanced water guard, a few nights ago slipped down on a dark night, passed the enemy's shipping, and burnt General De Lancey's house at Bloomingdale, took two prisoners, and returned safe."<sup>1</sup>

The Council in their reply to him on December 16th, 1777, rather amusingly say :

"The information which we receive, as well in Your Excellency's last letter, as by other channels, of the burning of General De Lan

<sup>1</sup> Journals Prov. Con., p. 1093.

cey's house, gave this Council great uneasiness. We think this a most unequal method of waging war on the enemy, because neither we nor they can possibly destroy what are properly our own houses; and we fear that so conspicuous an example as the destruction of Mr. De Lancey's mansion house, will be industriously followed by the enemy, to the ruin of many of the good subjects of this State. For these reasons, sir, we most earnestly entreat your utmost exertions to put a stop to practices on our part, which may be attended with the most destructive retaliations by the enemy."<sup>1</sup>

They objected, not to the barbarism of the proceedings, but to the destruction "of what are properly our own houses!" The leader of "our advanced water guard," as Clinton calls it, was a farmer of Tarrytown, named Martling. A few of the articles carried off on this occasion have since been heard of by the family; but with the exception of a portrait of the wife of Lieutenant-Governor de Lancey, now in the writer's possession, they have never been able to recover any of them. A full-length, life-size portrait of the Lieutenant-Governor himself, in the robes of a Fellow-Commoner of Corpus Christi College, Cambridge, painted by Sir Godfrey Kneller, was destroyed at this time, with other pictures and articles of value belonging to his son James de Lancey, the then head of the family, the nephew of the General, who was at this time in England, which had unfortunately been sent to Bloomingdale for safe keeping.

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#### NOTE LVIII.

HOWE'S MOVEMENT TO THE HEAD OF ELK.—LEE'S CAPTURE AND TREASON.—COLONEL HARCOURT.

*Vol. I., p. 190.*

Howe's southern movement at midsummer, 1777, so inexplicable at the time, and so utterly confusing to Washington, is now known to have been influenced, if it was not sug-

<sup>1</sup> *Ibid.*, 1101.

gested, by the American General Charles Lee, who had been captured, as stated on page 128, on the 13th of the preceding December. Lee's treasonable "plan" has been given to the world for the first time, with full details of the man himself, by Mr. George H. Moore, in his "Treason of Major-General Charles Lee," a most able discussion of the whole subject. That "plan," dated 29th March, 1777, was probably but the mere putting in written form what had been verbally expressed long before to Howe. The latter's dispatches to Lord Germaine, first indicating a southern expedition, were all written long after Lee was a prisoner in New York.

The annexed most interesting account of Lee's capture is given in the privately printed autobiographic memoir of herself and her family, written by the venerable lady with whose father Lee was to have breakfasted the morning he was taken, she being at the time a child old enough to remember the occurrence.<sup>1</sup>

"The capture of General Lee on the 13th of December, 1776, occurred soon after the settlement of our family at Baskinridge. He had come from the American camp at Morristown to reconnoitre, and put up for the night at Mr. White's tavern, not half a mile from our house—up the hill beyond the church. My father, who was always attentive to every officer of the army, called on General Lee, and invited him to breakfast the next day. He accepted; but, as he did not appear at the appointed time, Mr. Morton became impatient, and walked up the hill to meet his expected guest. On his way he encountered many of the country people running in great consternation, exclaiming, 'The British have come to take General Lee.' My father hurried on and saw

<sup>1</sup> Memoir of Mrs. Eliza Susan Morton Quincy, wife of President Quincy, of Harvard University, who was the daughter of Mr. John Morton, of New York, and his wife, Maria Sophia Kemper. Mr. Morton had removed his family for safety to Baskinridge, in 1775, where they were living when Lee was taken. Her autobiographic memoir, with a continuation, by her daughter, Miss Eliza Susan Quincy, was privately printed in 1861. The last lady kindly permits the editor to use the memoir in these notes. The venerable authoress of the memoir he well remembers when he was a student in the Law School of Harvard University.

Lee, without hat or cloak, forcibly mounted, and carried off by a troop of horse ; and, as he had but few attendants, little resistance was attempted. One of his men, who offered to defend him, was cut down and wounded by the sabres of the horsemen. He was brought down to our house, where he was taken care of until he was carried on a litter to a surgeon at Mendon, and after three months he recovered, and came to thank my mother for her kindness to him.

“ Information of the unguarded situation of General Lee at Baskinridge was given by a countryman to Colonel Harcourt of the British army, who, with a body of cavalry, had been sent from New Brunswick to watch his movements. A detachment of seventy light horse surrounded the house where Lee stayed, before he had any intimation of their approach, and carried him off in triumph.

“ The terror of the inhabitants of Baskinridge was very great ; they feared the army of the enemy was upon them, and could hardly believe the troops were gone as soon as they heard they had come. At that time, however, they remained undisturbed, except by their own apprehensions.”

MAJOR-GENERAL CHARLES LEE, of a Cheshire family, son of General John Lee, of Dernhall, in that county, and of the British army, was born in 1731, died in Philadelphia, October 2, 1782, and was buried in the yard on the south side of Christ Church, in that city. His mother was Isabella, second daughter of Sir Henry Bunbury, Bart., of Stanney, Cheshire.<sup>1</sup>

COL. HARCOURT. The Hon. William Harcourt, afterwards, April 20, 1809, third Earl Harcourt, G.C.B., Field-Marshal, and Colonel of the 16th light dragoons (with a squadron of which he took Lee), son of Simon, first Earl Harcourt, was born 20 March, 1743, died 18 June, 1830, married 21 September, 1778, Mary, widow of Thomas Lockhart, of Coning House, and daughter of William Danby, Esq. He was Equerry to Queen Charlotte, in 1761, afterwards Groom of the Chamber to George III., and M.P. for the city of Oxford, from May,

<sup>1</sup> Moore's Treason of Lee; Watson's Annals of Philadelphia.



1768, to June, 1774. Peerage "Harcourt." Cornwallis Correspondence, Vol. 1, p. 26.

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### NOTE LIX.

THE RELATIVE FORCES OF THE TWO ARMIES IN THE  
BURGOYNE CAMPAIGN OF 1777, AT ITS COMMENCE-  
MENT, AND AT THE SURRENDER.

*Vol. I., p. 198.*

#### *American Army.*

In July, 1777, General Schuyler had only 2,500 men under him at Fort Edward, and after St. Clair joined him there with the retreating garrison of Ticonderoga, his numbers were only 4,500, of which 2,000 were militia, and 2,500 continentals, including Nixon's brigade.<sup>1</sup> "Nearly one-half utterly dispirited and insubordinate left his camp." "Two Massachusetts regiments deserted in a body and went home."<sup>2</sup> Schuyler retreated to Saratoga on the 31st of July, and on the 4th of August to Stillwater, to await re-enforcements.<sup>3</sup>

The appeals of Schuyler and Washington to the different State Committees and Brigadiers, and other public authorities, for more men, had, practically, no effect till after the defeat of Baum at Bennington on the 16th of August, and the retreat of St. Leger from Fort Stanwix on the 22d. On the 13th of August, Schuyler retreated to Half-Moon, one of

<sup>1</sup> Letter of 17 July, of Brockholst Livingston to his father, Gov. Livingston, of N. Y. Sparks' Rev. Correspondence, vol. ii., p. 514.

<sup>2</sup> Lossing's Life of Schuyler, vol. ii., p. 230. Schuyler's letter to Washington, of 14 July, 1777.

<sup>3</sup> On the 28th of June, Schuyler had 700 men, *only*, south of Lakes Champlain and George; and on July 9, at Fort Edward, "not above 1,500." See his letters of those dates to Washington. Sparks' Rev. Correspondence, 392 and 395. On the 4th of August he had "not above 4,000," one-third negroes, boys, and men too old for service. His letter cited in Gordon, vol. ii., p. 489.

the islands at the mouth of the Mohawk. On the 19th Gates arrived and took command under the resolution of Congress of August 1st, which also directed Schuyler "to repair to Headquarters." Gates was authorized by Congress to call out the militia of the Eastern Colonies, New York, New Jersey, and Pennsylvania, and their authorities were notified of the fact. On the 15th of August, four days previously, Schuyler says, in his letter of that date to Congress, "the Eastern papers contain accounts of vast bodies of militia having been ordered thence to this quarter. I hope my successor will have the happiness of seeing them arrive in time to prevent the enemy's progress; but we have not yet the satisfaction of being joined by any from thence, and have only about sixty or seventy on the ground from this State."<sup>1</sup>

When Gates took command of Schuyler's army, on the 19th, it numbered about 5,500 men;<sup>2</sup> when Burgoyne surrendered on the 17th October, Gates's own official return gives its number as 11,098. The difference denotes all the increase from subsequent re-enforcements sent by Washington, and from the militia that the Eastern and Middle States could raise and put in the field under the great pressure of this terrible crisis, when New England was more alarmed for her own safety than at any other period of the war, and her "committees" were most efficient. Even at the surrender on October 17th, as appears by the following MS. return of Gates's forces, the entire militia only numbered 3,382, as the result of all efforts to raise men to serve from August 3d to November 15th, as called for by Congress, about three months, and yet it has been gravely said, that when Gates took command, "touched by the ringing appeals of Washington, thousands of men of Massachusetts, even from the Counties of Middlesex and Essex, were in motion towards Saratoga."<sup>3</sup> The truth is, that loyalty or Toryism was vastly greater than it has suited American historians to admit.

<sup>1</sup> Letter cited in *Life of Schuyler*, vol. ii., p. 302.

<sup>2</sup> Washington's re-enforcements of continental troops brought it up to this number.

<sup>3</sup> Bancroft, vol. 9, p. 386, ed. 1866.

In volume 9 of the Manuscript Papers of General Gates, in the Library of the New York Historical Society, is the official written return of the numbers of Gates's army present at the surrender of Burgoyne. It is entitled "A General Return of the Army commanded by Major-General Gates at the Convention of Saratoga, Oct. 17th, 1777," and gives the numbers and commands, as follows :

**Continental Brigades and Corps.**

Nixon's.....	1,430	
Poor's.....	1,466	
Glover's.....	1,479	
Patterson's.....	1,300	
Learned's.....	1,257	
Morgan's Corps.....	712	
Engineers & Artif <sup>n</sup> .....	72	
		<hr/>
		7,716

***Militia.***

**Brigades and Corps.**

Warner's.....	1,371	
Annexed to Poor's.....	933	
"    Glover's.....	610	
"    Patterson's.....	468	
		<hr/>
		3,382
		<hr/>
		11,098

Burgoyne in his "Narrative" says, "I shall close the whole of this by delivering at your table, from the hands of my Secretary, an authenticated return of the force of General Gates, signed by himself, and the truth of it will be supported from ocular testimony by every officer of the British Army."<sup>1</sup> It is dated October 16th, 1777, and is printed in full in his appendix, and it states his whole force as 18,624.

How, or why, there is such a great discrepancy from the original MS. return above given, I cannot explain. I merely mention the fact. Colonel Kingston, Burgoyne's Adjutant-General, testifies as follows :

Q. Whence is the account of the strength of Mr. Gates's army taken ?

A. From a return voluntarily given by General Gates to

<sup>1</sup> State of the Expedition, p. 17.

me for my own satisfaction when at Albany, and that return was signed by General Gates.<sup>1</sup>

*British Army.*

Note 33, of volume 6 (Appendix), of Beatson's Naval and Military Memoirs of Great Britain gives, from official sources, the following "List of the Forces sent to Canada in Spring, 1776, along with Major-General Burgoyne :"

" British Infantry, 8th, 9th, 20th, 21st, 20th, <sup>2</sup> 29th, 31st, 34th, 47th, 53rd, and 62nd regiments, 10 companies each.....	7,117
Ditto Artillery, 6 Companies.....	486
Brunswick Infantry.....	4,278
Ditto Artillery.....	316
Hanau Infantry.....	668
Ditto Artillery.....	128
Waldeck Infantry.....	670
Ditto Artillery.....	14
Total .....	13,677 "

Of these, according to the same authority, note 57, on page 69, there were included in the expedition to the Mohawk and left for the defence of Canada, as follows :

*" Sent in the expedition to the Mohawk, under Brigadier-General Barry St. Leger*

" Detachment from the 8 Regiment.....	100
" " " 34 ditto.....	100
Hanau Chasseurs.....	342
	542
Sir John Johnson's Regiment, of New York.....	133
	675

<sup>1</sup> Burgoyne's State of the Expedition, p. 118. The following extract from Gordon's History, vol. ii., p. 578, bears on this point, and perhaps explains it. " Burgoyne was desirous of a general return of the army commanded by Gates at the time of the convention. The latter understood him, and was careful not to lessen the return a single man. The continentals, all ranks included, were 9,093, the militia, 4,129, in all, 13,222; but of the former, the sick and on furlough were 2,103, and of the latter 562. The number of the militia was continually varying, and many of them were at a considerable distance from the camp." He gives no authority for these figures.

<sup>2</sup> So in original, probably a misprint for " 24th."

*Left for the defence of Canada :*

The 8 <sup>th</sup> regiment, deducting 100 for the expedition to the Mohawk.....	460
Battalion Companies of the 29 <sup>th</sup> and 34 <sup>th</sup> regiments.....	896
Ditto of the 34 <sup>th</sup> regiment, deducting 100 for the expedition to the Mohawk .....	348
Eleven additional companies from Great Britain.....	616
Detachment from the two brigades.....	300
“ German troops.....	650
	<hr/>
Royal Highland Emigrants.....	3,270
	<hr/>
Total.....	3,770 "

Burgoyne's total force as above.....	13,357
Deducting the British and German troops sent to the Mohawk.....	542
And those left in Canada.....	3,274
	<hr/>
	3,816

The remainder..... 9,861

is the number of regulars, sick included, with which Burgoyne entered upon his campaign early in June, 1777.<sup>1</sup>

Note 56 of the same work gives Burgoyne's forces, "sick included," on July 1st, 1777 :

"Total regular troops .....	6,740
Garrison left out of the above at Ticonderoga, British troops, 462, German, 448 .....	910
	<hr/>
'To force a passage to Albany, 1 <sup>st</sup> July.....	5,830
British Artillery.....	257
German ditto.....	100
Recruits under Lt. Nutt.....	154
Canadians.....	148
Indians, never more than.....	500
(Before embark fell off to 90)	
Provincials at most.....	682
(Oct 1 <sup>st</sup> no more than 456)	
In September the additional companies joined at Fort Miller	300
	<hr/>
Total .....	7,971 "

<sup>1</sup> Lord George Germaine's letter of March 26, 1777, to Gen. Carleton, fixes the above numbers for the Mohawk and Canada, and for Burgoyne, 7,173 only; the latter therefore had more troops than the Minister originally intended, if Beaton's figures are right.

Burgoyne's own "Narrative,"<sup>1</sup> gives his numbers on the 1st of July, as "6,740 regulars, exclusive of artillery men, 250 Canadians and 400 Indians"—or 7,390 in all. Col. Kingston, his Adjutant-General, testifies that the force, all included, amounted to 7,636.<sup>2</sup> The difference between all these statements is very remarkable.

Mr. Fonblanque in his "appendix D,"<sup>3</sup> however, gives the following table as "the army which took the field in July, 1777:"

"The total force was :

British.....	4,135	} Rank and file."
German.....	3,116	
Canadian Militia.....	148	
Indians.....	503	
	<hr/> 7,902	

He does not state his authority, and, as will be noticed, *leaves out entirely the Provincials*. He includes in the above number "nearly 1,000 men to garrison Ticonderoga before he crossed the Hudson," which would leave Burgoyne's actual force in the field, "in July, 1777," 6,902. All the British writers on this campaign seem to have been unjust to their Provincial forces, or to have ignored them altogether, as in this statement.

The British Adjutant-General Kingston testifies that the "rough number" of Burgoyne's army "at the time of signing the Convention," "taken in a great hurry," was :

British.....	1,905
Germans.....	1,594
	<hr/> 3,499

And that by the monthly return of November 1st (after the surrender) there were fit for duty,

British.....	2,086
Germans.....	1,633
	<hr/> 3,719 <sup>4</sup>

<sup>1</sup> State of the Expedition, p. 12.

<sup>3</sup> Fonblanque's Burgoyne, p. 488.

<sup>2</sup> State of the Expedition, p. 97.

<sup>4</sup> State of the Expedition, p. 111.

The MS. return of James Wilkinson, Gates's Adjutant-General, in the Gates MSS.,<sup>1</sup> dated 31 Oct., 1777, of the forces surrendered, is :

" British Troops.....	2,139
Germans.....	2,022
Canadian Establishment.....	830

Total..... 4,991 "

General Burgoyne's original MS.,<sup>2</sup> " State of the British Troops at the Convention the 17 October 1777 " and " Liste de la Force du corps des Troupes Allemands, le jour de la Convention le 17<sup>me</sup> d'Octobre 1777," both on one sheet, signed by himself, separately, in his own hand, and delivered to General Gates, give all his regiments, the strength of each, and the total force he surrendered, as follows :

Regiments.	Rank and file.
" 9.....	411
20.....	367
21.....	412
24.....	440
47.....	342
62.....	277
Canadian Companies of Grenadiers and Light Infantry....	345
Lt. Nutt of 33 <sup>d</sup> Detachment doing duty with Artillery.....	95
Royal Artillery.....	212
	2901
Officers of all grades.....	478
	3379 "

J. BURGOYNE."

" Etat General.....	33
Regt. des Dragonnes.....	36
Bat. des Grenadiers.....	270
Regt. de Rhetz.....	420
de Riedesel.....	457
Specht.....	414
Bat. F. L. de Barner.....	182
Regt. de Hes : Hanau.....	525
Artillerie de Hes : Hanau.....	75
	2412

J. BURGOYNE."

<sup>1</sup> Gates MSS., Vol. 10, N. Y. Hist. Soc. Library.

<sup>2</sup> Gates MSS., Vol. 10, N. Y. Hist. Soc. Library.

The endorsement on the back of the return is,

" English.....	3,379
German.....	2,412
In All.....	5791 <sup>1</sup>

Gordon also gives 5791 as the number surrendered by Burgoyne.<sup>2</sup>

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#### NOTE LX.

BURGOYNE—CAUSES OF HIS FAILURE—HIS INJUSTICE TO THE  
PROVINCIALS—COLONEL JOHN PETERS—ORIGINAL DOCU-  
MENTS FROM THE PETERS MSS.—COLONEL PHILIP SKENE  
—HIS FATAL ADVICE TO THE COMMANDER-IN-CHIEF.

*Volume I., pp. 198-210.*

LIEUTENANT-GENERAL JOHN BURGOYNE, born in 1722, was the second son of Sir John Burgoyne the third Baronet of Sutton, by his wife Anna Maria, the daughter of a London merchant named Charles Burnestone. An innuendo in a letter of Horace Walpole is the origin of the common, but utterly false statement, often reiterated, that he was a natural son of Lord Bingley.<sup>3</sup> His wife was Lady Charlotte, daughter of Edward, 11th Earl of Derby, who died 7th June, 1776. He died in London on the 4th of August, 1792, and was buried in the cloister of Westminster Abbey near his wife, privately, at his own request set forth in his will.<sup>4</sup>

The primal cause of the utter failure of the Canada expedition was a *political* one. The exigencies of party in the House of Commons induced Lord George Germaine to adopt the policy of conciliating the opposition, by appointing Burgoyne, one of their friends, to the command of the expedition from Canada upon which the Ministry and King had determined,

<sup>1</sup> Fonblanque's number—3500—p. 310, is erroneous.

<sup>2</sup> Gordon's History, Vol. 2, p. 578.

<sup>3</sup> See Fonblanque's Burgoyne, p. 6, where the falsity of the statement is proved.

<sup>4</sup> Fonblanque's Burgoyne, p. 464.



instead of giving it to Sir Guy Carleton, the Commander-in-chief in Canada, who had succeeded so well in the campaign of 1776, a much abler man in every way as a soldier. Though chivalrously aiding Burgoyne and the expedition as much as possible, he was disgusted, and resigned his command in that province. Had he been appointed the result would probably have been very different. The secondary cause was the *gross neglect of Lord George Germaine*, the Minister, in forgetting to forward the despatch to co-operate with him, to Sir William Howe.<sup>1</sup>

The proximate cause of Burgoyne's disaster, was the same which ruined Braddock in 1754, and which lost the Loyalists so many battles in the beginning of the last American rebellion, nearly a century later,—*the overbearing pride of regulars, and their contempt for volunteers*. Conjoined with this, in Burgoyne's case, was his following the selfish advice of Col. Skene, as stated by the author, to proceed to Fort Edward from Skenesborough, instead of by Ticonderoga and Lake George.

His expedition was a complete success up to the battle of Bennington. That was the first reverse, and it was directly owing to his overweening and insulting refusal to follow the advice of his Provincial officers, who knew the dangers of the country, and remonstrated against the paucity of the corps detailed for the purpose. General Fraser coincided in the opinion of the Provincial officers, at which Burgoyne told him "when I want your advice I shall ask for it." He also imputed the views of the Provincial officers to disobedience and cowardice. At this, Colonel John Peters, a native of Connecticut, a resident of Gloucester County, now Vermont, and commander of the Provincial Corps, "The Queen's Loyal Rangers," at once said, "I am ready to obey your orders, General Burgoyne, but we shall not return."<sup>2</sup> Peters is the unnamed "loyalist," spoken of by Stedman in his History of the American War, "who was well acquainted with the road, and had undertaken to accompany Colonel Baum, who stated to General Burgoyne that the expedition required a force of

See note lxi.

<sup>2</sup> Defence of the Provincials in the Peters MSS. given below.

not less than 3,000 men; for the roads were very bad, through a thick, woody country, and the tardiness of the German method of marching would, he knew, enable the enemy to prepare for their reception. The General, however, paid no attention to the representation of this gentleman, whom he piqued on the point of honor."<sup>1</sup> Baum marched as ordered, and the result was the utter destruction of his force, and his own death on the Wollomschack, six miles from Bennington, called the battle of Bennington.

The following paper from the Peters MSS., never printed before, a defence of the Provincials, Canadians, and Indians against the strictures of the General upon them,<sup>2</sup> is based upon letters from Canada to its author, the Rev. Samuel Peters, then in London. It gives the substance of the letters he received, and casts much light on this subject. To whom it was addressed is unknown, as no name appears on the original, which seems to be a first draft.

*Defence of the Provincials and Indians against Burgoyne's Charges.*

SIR :

As much has been said about Gen<sup>l</sup> Burgoine, and as he has wrote Letters to Canada and England "that his Defeat or Convention at Saratoga in 1777 was brought on him by the ill Conduct of the Indians, Canadians and Provincials on whom he found too late was no Dependence," I have presumed to (again) trouble you with what is said by the Provincials in vindication of themselves and Indians which has been conveyed to me by various Letters from Canada.

The substance of all is,—that Gen<sup>l</sup> Burgoine while at Quebec encouraged the Indians to join him under their own Captains and to fight the Enemy in their own way, the only Argument that could have prevailed with the Indians to join him. The General also encouraged the Canadians and Provincials (Refugees from other Provinces) to enlist and be under their own Officers,—many Colonels with their Regiments composed of many Gentlemen went with the royal Army over the Lakes and landed at South-bay, when and where the General's Humanity overcame his Engagement to the Indians, (tho' Indians were employed by the Enemy against him), and he told the Indian Chief that he and his Men should be hanged if they carried on the War in their own way. At which he cried—"Maw."

<sup>1</sup> Vol. I., p. 33a.

<sup>2</sup> See Burgoyne's State of the Expedition, and evidence annexed thereto, for his charges in full.

"Maw"—that is, Death in the Pot, whereupon they set up their Howl,—fled, and left him.—The General next told the Provincial Officers that as they knew not the Art of War, his sergeants and officers should take the Command of their men, [and kept back their Commissions which had been promised them at Quebec when they should be on the Lake,] at which a Mutiny sprung up among the Americans and they resolved to follow the Indians sooner than submit to the order.

N.B. the Americans had no Boats, nor Provisions; and must obey the order, or return to Canada through the Woods, or join the Rebels.—In this situation they obstinately chose to follow the Indians,—whereupon an order came that they should proceed with their men as usual [but their Commissions were not given]. However, the Americans (not the Indians) rejoined the royal Army, and marched to Fort Miller about 40 Miles [on the Bank of Hudsons River where centred, or met, the three Roads from the three New England Colonies with that from New York and Newjersey and become one Road to the Lake Champlain or South-bay—by which single Road the royal Army must have supplies from Canada].

Here (at Fort Miller) the General ordered a Party to proceed to Albany on Connecticut Road through Bennington, only 60 Miles out of the way, in a wilderness where nothing could be obtained if they met with success, [and a hundred to one against success]. This order was refused by several Provincial Colonels because they knew the certain Danger, and the Mountains between which they must pass. General Fraiser gave Countenance to the Provincial Colonels,—for which Gen<sup>l</sup> Burgoine told Gen<sup>l</sup> Frazer, "when I want your Advice I shall ask for it."—The General Added that the Americans were Cowards and disobedient.—At this Colonel Peters told the General, that he was ready to obey his orders, but we shall not return.—Peters was the Guide to Bennington, but between the Mountains, the Rebels secreted behind Rocks and Trees killed in half an Hour above one thousand Men.—Peters returned to the royal Army at Saratoga with only 117 of his Regiment which contained 603.—But a few Rebels were seen.—The royal Army having left Fort Miller and passed the River to Saratoga, the Rebels soon seized upon and kept Fort Miller, which cut off all Intercourse between Canada and the royal Army. The General received Peters, and those who had escaped Death at Bennington, with great Goodness and Commendations. The Night before the Convention was signed the General gave Leave to Peters and others to return to Canada according to their Petition.—700 went off to Canada without Loss.—After all these things the loyal Provincials were traduced by General Burgoine as the Cause of his Misfortunes.—And he has settled with Government, but neglected Payment (contrary to his Promise) which was due, and *is due*, to the Canadians and Provincials under his Command.

The Provincials further say, that if Gen Burgoine had condescended to the Advice of those who knew the Country and had

stayed at Fort Miller until he could hear from New York, all America could not have tarnished his Glory, nor hurt or stow'd' his Army.

The Provincials think themselves ill treated, as their Characters are wounded by the General for whom they went to die, and offered to die to save him, if he would retreat from Saratoga to Fort Miller—a thing no way impossible in their opinion.

They wish that Gen<sup>l</sup> Burgoine would consider this Question,—as he calls the rebel Americans *bold* and *brave*,—How it comes to pass that loyal Americans are Cowards, when he (the General) knew that they had had Courage to leave their wives and Children their Friends and Property and turn Soldiers, and go in the forefront of all his Army to receive the first Blows of the Enemy, and be Guardians to each wing, and Rear—when in fact the loyal Provincials under his Command were killed ten to one of the royal Army?

If any one can consider us as Cowards for what we did under General Burgoine the General cannot prove it from our obedience<sup>1</sup> to his Command at South-bay which was called a Mutiny.

N.B. Neglect is a Persecution that may be attended with equal bad Consequences, to Insult, or reproach.

Decemb<sup>r</sup> 9<sup>th</sup> 79—

N<sup>o</sup> 12 Dyers Building.

The difference of numbers present, and killed, wounded, and taken, on each side, in the accounts of the battle of Bennington is extraordinary. "The whole detachment (under Baum) amounted to about 500 men," Burgoyne wrote to Lord George Germaine on August 20th. The monthly return of Peters's Provincials, hereafter given in this note, all of whom, Burgoyne states, were in the battle, shows that 452 of that corps *alone* were present, of whom 298 were killed and taken. Burgoyne's "State of the Expedition" does not give the number of Breyman's corps, neither does Gordon. The latter says Baum "had 500 men and 100 Indians."

Lincoln's letter to Schuyler, forwarded to the N. Y. Prov. Convention, says Starke had 2,000, "the enemy" 1,500, and that of the latter 200 were killed, 80 wounded, and 656 taken, in all—936.<sup>2</sup> Of course, both the British detachments are included in this statement.

Jehu Brown, an escaped prisoner from Baum, testified

<sup>1</sup> This word means the same as "gobbled up" in the loyal accounts of the battles and fights of the late rebellion of the Southern States.

<sup>2</sup> So in original.

<sup>3</sup> Journals Prov. Con., Vol. 1, p. 1045.

on Aug. 23, that his force was "500 Hessians, about 30 or 40 British, 200 Canadians, 150 Indians (880 or 90 in all), and some *tories*."<sup>1</sup> Gov. George Clinton writes Aug. 22d. from Albany to the Provincial Convention: "The enemy came out 1,300 strong, and being quickly routed by the warm and constant fire of our men, were reinforced by 1,500 more. The militia then charged on them with redoubled fury, and upon receiving the first or second fire, the enemy beat a parley. This our people unfortunately did not understand, but pressed upon them and obliged them to fly, pursuing them with a brisk fire for many miles." "The number taken was 669, of which about 100 were wounded and the rest were commissioned officers. The killed are 222."<sup>2</sup>

Neither Starke nor Breyman in their official accounts of the battle give their numbers; the former says he marched "with all the men that were present" of his brigade, and the militia;<sup>3</sup> the latter with "a battalion of grenadiers, one of chasseurs, one rifle company, and two pieces of cannon."<sup>4</sup> The attack, says Starke, was made under cover of the woods from four or five points at once, and "lasted two hours," we took "about 700 prisoners, 207 dead on the spot, and the number of wounded unknown."<sup>5</sup>

#### COLONEL JOHN PETERS.

Lieutenant-Colonel John Peters was a native of Hebron, Connecticut, and the son of John Peters as strong a whig as his son was a loyalist, a nephew of the Rev. Samuel Peters, the author of the *History of Connecticut*, a cousin of John S. Peters, Governor of Connecticut, a graduate of Yale College of the class of 1759, a lawyer, and a member of the first Congress of 1774. He was thoroughly cognizant of the true history of the Burgoyne expedition. The following documents show the services and sufferings of the loyalists therewith, their bad treatment by the British Generals, except

<sup>1</sup> Journals Prov. Con., Vol. 1, 1047.      <sup>2</sup> Dispatch to Gates on 22d August.

<sup>3</sup> Journals Prov. Con., Vol. 1, p. 1048.      <sup>4</sup> Letter to Burgoyne.

<sup>5</sup> Dispatch to Gates on 22d August.

Carleton, and the cruel neglect of their rights and interests by the British Government. Colonel Peters, unable to obtain even the pay due him, much less his promised commission, from the English officials, through an agent in London, left his family in Cape Breton, where he had settled after the war, and went himself to England in 1785, but met with no better success. He remained there about three years vainly urging his claims for compensation for the losses of his estate before the "Commissioners of American Claims," and for his seven years' back pay as Lieutenant-Colonel of the Loyal Rangers. Burgoyne never having given the Provincial officers their commissions, the pay office declined to pay till the commissions were produced; thus the unfortunate men were defrauded. He never returned to America, but died in London while still pressing his claims in 1788.

The annexed documents throw new light on Burgoyne's campaign, especially on the Bennington expedition and fight, and the action of Burgoyne immediately preceding the surrender of Saratoga in giving written permission to his Provincials to escape, as he had never given them their commissions. The order to escape is printed from the *original document itself* which Peters preserved among his other manuscripts, which after his death passed into the possession of his uncle, the Rev. Samuel Peters, from whom they descended to Mr. Samuel P. Bell of the City of New York, who has kindly placed them for use in the editor's hands. Mr. Bell's mother was a favorite ward of the Rev. Dr. Peters, who resided with her till his death in New York, on the 19th of April, 1826, at the great age of ninety years. The headings have been added by editor.

*Colonel Peters' Memorial to the Lords of the Treasury.*

TO THE RIGHT HONORABLE LORD SIDNEY ONE OF HIS  
MAJESTY'S PRINCIPAL SECRETARY'S OF STATE.

The Memorial of John Peters Esq<sup>r</sup> late Lieutenant-Colonel Commandant of the Queens, Loyal, Rangers in Canada.  
Humbly Showeth.

That your Memorialist was Educated at Yale College in Con-

necticut: and in the year 1772 was appoint<sup>d</sup>, by the Governor of New York, Colonel of the Militia a Judge of the Court of Quarter Sessions and Common pleas, Surrogate and Register of the County of Gloucester, in the Province of New York, in which offices he continued to serve his Majesty till 1776, when after being often Mobbed and once imprisoned by the Malcontents he quitted his Family, Property, and Offices and fled to Canada to avoid Personal Danger and to Support the British Cause against its Enemies.

That on his arrival in Canada, he joined the Royal Army and went a Volunteer with General Carleton on Lake Champlain.

That in 1777 he was constituted by Sir Guy Carleton, Lieutenant Colonel Commandant of the Queens Loyal Rangers, to be raised, that he Inlisted his Complement of Men, joined his Regiment and went with General Burgoyne on his Campaign, was in every Action, and at the Battle of Bennington lost above half of his Corps, many of whom had never been Mustered for want of time.

That on his return to Saratoga, General Burgoyne thanked him for his Bravery and good Conduct at Bennington.

That the night before the Convention was Signed, General Burgoyne gave your Memorialist a written permission to retire from his Camp, and with others (whose safety on any terms was doubtful) to attempt an escape to Canada which he fortunately performed.

Your Memorialist on his return to Canada, from the disastrous events at Bennington and Saratoga, was allowed nine Shillings per diem on the Subsistence List by Sir Guy Carleton, till an Official return should be made by General Burgoyne, and the said Subsistence Money since continued was to be considered as part pay on the Commission of Lieut. Colonel of the Queens Loyal Rangers.

Your Memorialist at a Board of Commissioners appointed by Gen<sup>l</sup> Haldimand in 1780, was allowed his Pay as Lieut. Col<sup>o</sup>. Commandant of the Queens, Loyal, Rangers, to October 24<sup>th</sup> 1777 except Bât and forrage, and Warrant Money, which was not allowed by the Commissioners in Consequence of Gen<sup>l</sup>. Haldimands instructions, although General Burgoyne (in General Orders) had promised the same pay to the Loyal Provincials as the Kings Troops received.

Your Memorialist continued to serve and Inlist Men as Lieut. Colonel Commandant of the Queens Loyal Rangers, from his first appointment in 1777 till November 12<sup>th</sup> 1788, when General Haldimand was pleased (in General Orders) to appoint "Lieut. Colonel John Peters (of the Queens Loyal Rangers) "as Cap<sup>t</sup>. of Invalids" and since that time Gen<sup>l</sup>. Haldimand as your Memorialist is informed has returned "Lieutenant Col<sup>o</sup>. John Peters" for reasons unknown to your Memorialist to the Secretary of States Office as Cap<sup>t</sup>. in Major Edward Jessups Corps, and not as Lieut. Colonel of the Queens Loyal Rangers.

Your Memorialist therefore prays your Lordship to take his Case into consideration, and to give him that Justice which his Services and Commission as Lieutenant Colonel Commandant of the Queens Loyal Rangers meritt—humbly conceiving that the Justice of the

British Nation will place him on the List of half-Pay as Lieu<sup>t</sup>. Colonel and not as Captain only in Major Edward Jessups Corps, and that if his Excellency General Haldimand had meant in his Return to degrade your Memorialist, his Excellency would first have taken care by a Court-martial to have had him Cashiered.

And in duty bound will pray

JOHN PETERS.

N<sup>o</sup> 1 Charlotte Street }  
Pimlico 6<sup>th</sup> Sept<sup>r</sup> 1785 }

*Letter of Rev. Samuel Peters submitted with Col. Peters' Memorial.*

TO WHOM IT MAY CONCERN

I have known John Peters from his birth at Hebron, in Connecticut, now in London. He was educated at Yale College and afterwards in the Law.

In the year 1766 he moved with his family from Hebron to the County of Gloucester in the Province of New York, where he erected some mills and cultivated his lands. After some years was appointed Colonel of the Militia, a Judge of Quarter Sessions and Common Pleas, Surrogate and Register of said County. In the year 1772 I was at his house for several weeks and found his circumstances very eligible. In 1774 he came to my house in Hebron on his way to Philadelphia to meet the first Congress, having been nominated by the County of Gloucester to be a Member of it.

In conversation with him on that Business he observed "that Independance was the view of many people, especially of the Dissenting Ministers and Smuggling Merchants; but if he should find the Congress inclined that way he would leave them and return home."

At Philadelphia he wrote me in London "that Independance was the sole aim of Congress, and to cover their design had enjoined an oath of secrecy upon each member, which he had refused and was then about to return home."

By several letters from America I was informed "the Mobs had illtreated him for his Loyalty and for quitting Congress, that he had fled to Canada with many of his neighbours, to support the royal cause and was raising a regiment under Governor Carleton."

John Peters was always loyal and faithful to the King and the British Constitution till I left America in 1774,—altho' he is a son of my Brother, who was an inveterate Republican and a confirmed Rebel,<sup>1</sup>—and from what I have heard, and know, of his education and steadiness, I believe all possible Neglects in future, added to his past sufferings and losses will prove insufficient to make him a Republican or an enemy to the British Constitution. He had a wife and six children when I left America, and sufficient property to support them;

<sup>1</sup> John Peters of Hebron.



but is now poor and dependent on the Benevolence of the British Nation, which he supplicates, and highly merits, for his virtues and services.

SAMUEL PETERS.

No. 1 Charlotte Street,  
Pimlico, September 6th 1785.

*Official Order for Lieutenant-Colonel Peters's Regiment to join Burgoyne's Army, addressed to him at Montreal.*

St. John's, June 12<sup>th</sup>, 1777.

SIR

General Burgoyne has directed me to acquaint you, that you are to March your Corps to St. Johns, with as much despatch as possible. Batteaux will be ready to take them to the Army, where for a time, they are to act under the orders of the Quarter Master General.

I am sir

Your most obedient humble servant

R. KINGSTON, D. A. G.

To Peters Esq

<sup>1</sup> Received 14th June, 1777, Eight o'clock morning at Montreal.

*Extracts of General Orders Relative to the Pay of the Provincials.*

Extract of a General Order dated Battenkill August 26<sup>th</sup> 1777 :—It is the General's intention that the Loyalists shall receive pay the same as the Kings Troops and the Brigadier General will take his Excellency's pleasure and signify the Day such pay shall begin.

Extract of Brigade Orders :—September 8<sup>th</sup> 1777—All Provincials with the Army to be paid as the Kings Troops to commence from the first of last August.

SIMON FRASER  
B. Genl.

*Strength of the Queen's Loyal Rangers at the Battle of Bennington, the number killed and taken, and who remained after the Battle.*

Monthly return of the Queens Loyal Rangers commanded by Lieutenant Colonel John Peters. Zadock Wright Major, Justus Sherwood, Jeremiah French, David M<sup>c</sup>Fall, Captains, with 262 men, on August 7<sup>th</sup>, 1777.

After this return Simeon Covil, Andrew Palmitier, Francis Hogel, and James Pennock, Captains, with above 190 joined the Queens

<sup>1</sup> This memorandum is in Col. Peters's hand-writing.

Loyal Rangers, and were in the battle at Bennington. After the said Battle the Monthly return on October 2<sup>d</sup>, 1777, was 154 remaining of the 452 men—consequently 298 men were killed and made prisoners—vide Colonel Kingston's Certificate of the Returns, and the list of the companies of Captains Hogel, Covill, Palmitier, and Pennock.

*Burgoyne's Official Permission for Colonel Peters and officers to escape to Canada on the eve of the surrender of Saratoga.*

I certify that Colonel Peters with his officers has his Excellency Lieutenant-General Burgoyne's approbation in attempting to escape through the Woods to Canada.

Camp at Saratoga October 14<sup>th</sup>, 1777.

W. PHILLIPS Maj<sup>r</sup>. Gen<sup>l</sup>.<sup>1</sup>

*Lieutenant-General Burgoyne's Certificate given to Colonel Peters.*

I hereby certify that Lieut. Colo. John Peters was appointed in the year 1777 by Sir Guy Carleton, then Governor and Commander-in-Chief in Canada to raise a corps called the Queens Loyal Rangers, at the head of which he served in the Army under my Command during the Campaign of that year, and behaved with great spirit and zeal upon all occasions.

I have reason to believe him a considerable sufferer in his private Fortune by his attachment to the Royal Cause.

J. BURGoyNE  
Lieut. General

Hertford St. Nov 7th 1785.

*Extract from Gen. Tryon's Letter regarding Col. Peters.*

UPPER GROSVENOR STREET  
8<sup>th</sup> October 1785

MY LORDS

While I had the Government of the Province of New York I knew the bearer John Peters Esq<sup>r</sup>. who was one of the Inhabitants of the County of Gloucester, part of that district since called Vermont, of which he had been before my arrival in that Colony, one of his Majesty's Justices of the Peace. I conceived so well of him that on the fifth of March 1772, I appointed him to be Clerk of the Common Pleas, and of the Peace, and of the Court of Sessions of the Peace for that County, and on the 28th Apl. following gave him Command as Colonel of a Regiment of Militia there; and during my

<sup>1</sup> Gen. Phillips took great credit to himself, and is accorded it by Burgoyne in his "State of Expedition" and by others, for offering to try to escape before the surrender and bring aid from Ticonderoga and Canada. He took the idea from Peters's proposal, for which the latter demanded and received the above order in writing.

absence on a voyage to England, I understood Mr. Colden, the Lieut. Governor of that Province not only appointed him to be one of Justices of the Peace but one of the Judges of the Superior Court of Common Pleas for the said County of Gloucester \* \* \*

To the Right Honorable	} Your Lordships Most
the Lords Commissioners	
of his Majesty's Treasury	
	Humble Servant
	WM. TRYON

*From Chief Justice William Smith (subsequently of Canada) relative to Colonel Peters.*

DELEHAY STREET WESTMINSTER

19 Nov<sup>r</sup> 1785

The Bearer John Peters Esq. had occasion to transact business with the Government of New York very often shortly before the late Commotions on the Continent of North America. Being myself of the Council Board for that Province, which met frequently respecting the affairs of that District, then a Part of it, and since called Vermont, I Knew Mr Peters who was a civil officer of the County of Gloucester in that Quarter of the Colony. He supported a fair reputation (as far as I was informed) among the People of that Colony, and I believe I was acquainted with nearly all its respectable Inhabitants. I do not recollect to have had any conversation with him, on the Subjects which afterwards convulsed the Government of the Provinces, but I considered him as one of the Kings Friends, and when the usurpation took place, heard that he was among the opposers of the popular Measures, and for his activity against them was obliged to fly to the Province of Quebec, where I understand he took up arms for the suppression of those Tumults, which have unfortunately terminated in the Rent of the Empire.—I also heard, and believe it to be well founded, that he had Lands in the County afore mentioned, but to what quantity or value I do not recollect—

I considered him as one of its principal Inhabitants

WM. SMITH

COLONEL PHILIP SKENE.

COLONEL PHILIP SKENE, or Governor Skene, as he was called after his appointment as "Lieutenant-Governor of Ticonderoga and Crown Point, and Surveyor of his Majesty's woods and forests bordering on Lake Champlain," was a Scotchman, and the grandson of John Skene of Halyards in Fifeshire, Scotland, and his wife Elizabeth, a daughter of Sir Thomas Wallace of Craigie, the nearest collateral descendant of the famous Sir William Wallace.<sup>2</sup>

<sup>1</sup> The rest of this letter does not relate to the subject.

<sup>2</sup> Gentleman's Magazine, Vol. 83, p. 672.

He entered the British army in 1739, was in the expedition against Porto Bello in that year, and at the capture of Carthagena in 1741. He fought at Fontenoy in 1745, at Culloden in 1746, and at Laffeldt, under the Duke of Cumberland, in 1747. He came to America in 1756, with his regiment, when it was ordered there in "the old French war," and was transferred to the 27th Foot, then under Lord Loudon, as a Captain, in 1757. The next year, 1758, he was at the repulse of Ticonderoga under Lord Howe, joined Sir Jeffrey Amherst in 1759 as a Major of Brigade, served with him through the summer on Lakes George and Champlain, being present at the taking of Crown Point, and Ticonderoga; and in October was left in command of the former fort.<sup>1</sup> This service made him thoroughly acquainted with that wild and noble region. Appreciating its importance in peace as well as in war, its great beauty and fertility, and the fact that it was one of nature's "highways of nations," he determined to found there a settlement, and a great domain. Choosing the junction of Wood Creek with the extreme head of Lake Champlain for the site of a town, he settled there a few families in 1761, but still retained his commission in the army. Ordered on Lord Albemarle's expedition against Havana and Martinique, he was among the first to enter the breach at the storming of Moro Castle, at the capture of the former in 1762, upon which event he was appointed its town Major. The next year, on returning to New York, he pressed on his enterprise and his application for a grant being refused by Gov. Colden,<sup>2</sup> he went to England, got an order from the King for a grant of land, returned to New York, and in March, 1765, obtained a patent for a great tract containing 25,000 acres, embracing his settlement, which he called *Skenesborough*. Subsequently it was erected into a township of the same name, which was changed in 1788 to Whitehall, its present appellation.

In 1768, being then a Major, and his regiment having been ordered to Ireland, he exchanged into the 10th Foot, in order to remain in America, but in December of that year

<sup>1</sup> Ibid. Col. Hist. N. Y., Vol. viii., p. 415.

<sup>2</sup> Col. Hist. N. Y., Vol. viii., p. 588.

finally sold out of the army altogether. In 1770 he erected a large house at Skenesborough and made it his home. He now built mills and forges, made roads into what is now Vermont, brought in new settlers, and devoted himself vigorously to improving his property. He went to England in 1774, and while there was appointed Lieutenant-Governor of Ticonderoga and Crown Point.<sup>1</sup> In May, 1775, while still absent, some New Englanders made an attack on Skenesborough, seized his son and his family, and plundered and destroyed much of his property. This grew out of his sustaining New York's right to the "Hampshire Grants." He arrived at Philadelphia, on his return, the 7th of June, 1775, and the very next day was arrested by order of the Continental Congress as "a dangerous partisan of administration," and John Adams was appointed Chairman of a committee of three to examine him and his papers. On the 27th he was ordered to be sent under guard to Middletown, Connecticut, and "confined on parole to Governor Trumbull."<sup>2</sup> There he remained till exchanged in October, 1776, when he returned to the City of New York, and after serving a short time under Sir William Howe, he went again to England. He volunteered to join the proposed expedition under Burgoyne, became an intimate friend and companion of that General, returned to Canada in the spring of 1777, accompanied and took a prominent part in the expedition, and surrendered with it at Saratoga on the 7th of October, in that year. He was Burgoyne's friend and adviser throughout, and the person, the author says, who advised him to proceed direct to Fort Edward, in preference to the route by Ticonderoga and Lake George, thus insuring the construction of a good road through his grant, uniting the waters of Lake Champlain with those of the Hudson.<sup>3</sup> His name was put in the New York act of attain-

<sup>1</sup> This was in pursuance of a plan to settle the contest between New York and the New Hampshire Grants, by erecting a new and distinct government between them, independent of both, and embracing within it the disputed territory.

<sup>2</sup> Journals Congress, 1774-5, pp. 115, 116, 128 and 142.

<sup>3</sup> Gov. Skene, though under the orders of the House of Commons at the time, was *not* called as a witness in the Parliamentary investigation of Burgoyne, by either side. State of the Expedition, p. 121. Gordon says (vol. ii., p. 571),

der and his entire property confiscated. After the war he lived in retirement in England, at Addersey Lodge, near Stoke Goldington, Buckinghamshire, where he died on the 9th of October, 1810, at the age of nearly ninety years.<sup>1</sup> He left the son above mentioned, Major Andrew Philip Skene, and two daughters.<sup>2</sup> The former died in England in 1826, aged seventy-three years.

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#### NOTE LXI.

SIR WILLIAM HOWE'S ORDERS TO CO-OPERATE WITH BURGoyNE FORGOTTEN TO BE SENT BY LORD GERMAINE, AND FOUND IN LONDON AFTER THE LATTER'S SURRENDER.

*Vol. I., p. 208.*

HOWE had no orders "to proceed to the southward," as the author, like most writers, believed, and has stated. Burgoyne's orders from Lord George Germaine, "to force a junction with Sir William Howe," were very precise.<sup>3</sup> They

"it is believed that General Burgoyne, when upon the point of retreating, said to Major Skene to this purport, You have been the cause of getting me into this difficulty, now advise me how to get out of it,—referring to the advice the Major gave in relation to the Bennington expedition, and that the Major answered: Scatter your baggage, stores, and everything else that can be spared, at proper distances, and the military will be so engaged in collecting and securing the same, that the troops will have an opportunity of getting clear off." The reference, in view of the author's statement, was probably to the advance from Skeneshorough to Fort Edward quite as much as to the Bennington affair. Skene was perfectly right in the above suggestion. The American army were so given up to plundering, militia and continentals, officers and men, that they actually robbed each other of what had been plundered from the enemy. Gates was compelled on the 12th to issue one of the severest orders against plundering ever written by a commander. Gates's order, Gordon, p. 570.

<sup>1</sup> *Gent. Magazine*, vol. 80, p. 672.

<sup>2</sup> *Sabine's Loyalists*, vol. ii., p. 305.

<sup>3</sup> *Fonblanque's Burgoyne*, p. 275.

left him no discretion in the matter, and he so wrote Sir William Howe, after arriving in Canada. But Howe received *no order* to so co-operate with Burgoyne, beyond this casual phrase in a dispatch dated the 18th of May, and received on the 16th of the following August, too late for practical purposes, even if he had wished to do so: "I trust, however, whatever you may meditate will be executed in time for you to co-operate with the army to proceed from Canada."<sup>1</sup>

Lord George Germaine did write Howe a full and explicit dispatch to do so, at the same time he wrote his orders to Burgoyne, but *through sheer negligence omitted to sign and send it*, and it was actually found unsigned in the Minister's office in London, after Burgoyne's surrender.<sup>2</sup> In a MS. account of Germaine, written by the Earl of Shelburne, and first given to the world by Lord Edmond Fitzmaurice, in his "Life of William, Earl of Shelburne" (his grandfather), published in 1875, the disgraceful fact is stated in these words:

"Among many singularities he had a particular aversion to being put out of his way on any occasion; he had fixed to go into Kent or Northamptonshire at a particular hour, and to call on his way at his office to sign the dispatches, all of which had been settled to both of these Generals. By some mistake, those to General Howe were not fair copied, and upon his growing impatient at it, the office, which was a very idle one, promised to send it in the country after him, while they dispatched the others to General Burgoyne, expecting that the others could be expedited before the packet sailed with the first, which, however, by some mistake, sailed without them, and the wind detained the vessel which was ordered to carry the rest. Hence came General Burgoyne's defeat, the French declaration, and the loss of thirteen colonies. It might appear incredible if his own Secretary and the most respectable persons in office had not assured me of the fact; what corroborates it is that it can be accounted for no other way. It requires as much experience in business to comprehend the very trifling causes which have produced the greatest events, as it does strength of reason to develop the greatest design." "The persons he brought into office were all, except his Principal Secretary, Mr. Popple (who came about him I don't know by what accident), of a very obscure description, more or less of adventurers, of doubtful morals, and worse than doubtful integrity."<sup>4</sup>

<sup>1</sup> Dispatch to Howe of 18 May, 1777. Fonblanque's Burgoyne, 232.

<sup>2</sup> Fonblanque's Burgoyne, 233.

<sup>3</sup> Life of Shelburne, Vol. I., page 358.

<sup>4</sup> Ibid., page 360.

Such was the man, and such the office, by whom and by which, through criminal carelessness, "one of the fifteen decisive battles of the world"<sup>1</sup> was won, the British Empire rent asunder, and the United States of America created a nation.

When it was known in England that Howe had sailed for the Chesapeake, great anxiety for Burgoyne's army was felt and expressed privately in influential quarters. Mr. Fonblanque well condenses the proofs in his "Life and Correspondence of Burgoyne," page 343 :

"As early as August, '77, Walpole (*Last Journals*) says : ' Lord George Germaine owned to Lord Hertford that General Howe has defeated all his views by going to Maryland instead of waiting to join Burgoyne, and that Clinton had not force enough at New York to send him any relief.' "

And again, "The Ministers were so confounded by Howe's expedition, when they wished he should have gone north, and endeavored to get Washington between him and Burgoyne, that they sent orders to Burgoyne not to advance beyond Albany till he could hear from, and concert with Howe."

"On November 2d, the Duke of Richmond writes to Lord Rockingham :—' I believe it is also true that a very great man said within these few days, that he expected accounts of a general defeat very soon.' "

"Sir George Saville, writing to the same statesman a few days later, says :—' I have little doubt of Howe's leaving Philadelphia, and Burgoyne being obliged to retire.' "

Sir Henry Clinton says in his MS. notes to Stedman :

"I owe it to truth to say there was not a man in the army, except L. C. (Lord Cornwallis) and General Grant, who did not reprobate the move to the southward, and see the necessity of co-operation with General Burgoyne."

"General Clinton told Lord George Germaine, April 27th, and Sir William Howe repeatedly, after his return to America, his humble opinion that Philadelphia had better close than open the campaign, as it required an army to defend it."

Howe, before sailing for the Chesapeake, tried to inform Burgoyne of his intention. He released from the new jail in New York one Williams, on condition of taking a message to

<sup>1</sup> Creasy.

<sup>2</sup> Rockingham's Correspondence.



Burgoyne. He, however, broke his promise, came into Col. Philip van Cortlandt's outpost at Eastchester, and taking from the inside of his coat, where it was sewed, gave up a slip of silk, containing the following words written thereon :—" To General Burgoyne—Our destination is changed. Instead of going to L. D., we shall in three ways sail for B. N. Regulate your conduct accordingly.—Howe."<sup>1</sup>

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## NOTE LXII.

### CONGRESS AND THE CONVENTION OF SARATOGA.

*Vol. I., p. 212.*

THE action of Congress on the Convention of Saratoga was utterly unjustifiable, a violation of justice, and of military law and usages. They were determined to prevent England from deriving any aid directly or indirectly from so large a force of regulars, and did so, without regard to the means, or to Gates's honor and obligations, and against the wishes and advice of Washington.<sup>2</sup>

The pretexts on which their action was based were an alleged non-delivery at Saratoga of all the cartouch-boxes and other military accoutrements of the non-commissioned officers and privates of Burgoyne's army; and an alleged belief that Burgoyne was going to violate it himself.

The following are the resolutions which Congress passed, January 8th, 1778, by a vote of *five States only*, out of ten represented: namely, *ayes*, New York, Pennsylvania, North Carolina, South Carolina, and Georgia; *noes*, Rhode Island and Connecticut; *divided*, New Jersey and Virginia; *declined voting*, Massachusetts.<sup>3</sup>

<sup>1</sup> Diary of Col. Philip van Cortlandt, quoted in a sketch of him in the N. Y. Genealogical and Biographical Record, Vol. V., page 128.

<sup>2</sup> See his Letters to Congress in 1777, especially that of March 7, 1778. Sparks, Vol. V., p. 283.

<sup>3</sup> Journals of Congress, 1778, p. 17.

*Resolved*, That as many of the cartouch-boxes and several other articles of military accoutrements annexed to the persons of the non-commissioned officers and soldiers included in the Convention of Saratoga have not been delivered up, the Convention on the part of the British Army has not been strictly complied with.

*Resolved*, That the refusal of Lieutenant-General Burgoyne to give descriptive lists of the non-commissioned officers and privates belonging to his army, subsequent to his declaration that the public faith was broke, is considered by Congress in an alarming point of view ; since a compliance with the resolution of Congress could only have been prejudicial to that army in case of an infraction of the Convention on their part.

*Resolved*, That the charge made by Lieutenant-General Burgoyne in his letter to Major-General Gates, of the 14th of November, is not warranted by the just construction of any article of the Convention of Saratoga ; that it is a strong indication of his intention, and affords just ground of fear that he will avail himself of such pretended breach of the Convention, in order to disengage himself and the army under him of the obligations they are under to these United States ; and that the security which these States have had of his personal honor is hereby destroyed.

*Resolved, therefore*, That the embarkation of Lieutenant-General Burgoyne and the troops under his command be suspended till a distinct and explicit ratification of the Convention of Saratoga shall be properly notified by the Court of Great Britain to Congress.<sup>1</sup>

General Gates himself writes the President of Congress, on 3d December, 1777 : " Many of the cartouch-boxes were left, and some were carried away. The mentioning the accoutrements was forgotten in the Convention. Those that have been carried off have been sold on the road to Boston for drams. . . . Many arms were lost in the two hundred batteaux that were taken from the enemy on their retreat from Freeman's farm, and many others were plundered by the militia on the other side of the river. The bayonets were also pilfered by our own people. The very guards themselves supplied their wants from the piles. Many of the scabbards for the bayonets were disposed of in like manner. I believe there was no destruction of military stores after the Convention by or with the privity of Gen. Burgoyne and his officers." . . . " I do not conceive that anything of sufficient consequence was done to justify our charge of their having violated the Convention." <sup>2</sup>

<sup>1</sup> Journals of Congress, 1778, p. 18.

<sup>2</sup> Gordon's History, Vol. II., p. 46.

## NOTE LXIII.

THE BATTLE OF ORISKANY, AND ITS EFFECT—HERKIMER,  
WILLETT, GANSEVOORT. , 214

ST. LEGER'S corps passed through the Oneida Lake on the 31st of July, 1777, his van appeared before Fort Stanwix<sup>1</sup> on the 2d of August, and the siege began on the 3d. His forces were, 200 British Regulars, 342 Germans—the Hanau Chasseurs—Sir John Johnson's Royal Greens, numbering 133, together 675,<sup>2</sup> with 1,000 Indians under Brant, in all 1,675 men. His artillery was only "two six pounders, two threes, and four cohorns."<sup>3</sup>

Nicholas Herkimer, or Herckheimer, as the name was originally spelled, was appointed Brigadier-General of the Tryon County militia, when it was separated from that of Albany County, and formed into a Brigade by itself, by the Provincial Convention, September 5th, 1776.<sup>4</sup> John Frey at same time being appointed his Brigade-Major. An official letter of the Provincial Convention to the New York delegates in Congress, dated August 14th, 1777, written by Robert R. Livingston, says, "We have 700 militia out in Tryon County" and the Governor "has also ordered two hundred men to Scoary<sup>5</sup> where the whigs are besieged by tories and Indians."<sup>6</sup> The Committee of Tryon County, on the 17th July, write the Committee of Safety at Kingston, "Fort Schuyler's fortifications are not yet finished, and the garrison  
\* consists of but 300 able men. General Schuyler ordered 200 men of our militia for a reinforcement, but with all trouble possible, and repeated orders, no more but about 80 men

<sup>1</sup> The fort just after it was erected was called "Fort Schuyler" for a short time. The real Fort Schuyler was at the present city of Utica.

<sup>2</sup> Beatson's Naval and Military Memoirs of Great Britain, Vol. VI., p. 69.

<sup>3</sup> Journals Council of Safety, Vol. I., p. 1038.

<sup>4</sup> Journals, Vol. I., p. 610.

<sup>5</sup> Scoharie.

<sup>6</sup> Journal Prov. Con., Vol. I., p. 1042.

could be brought there."<sup>1</sup> In the same letter they say that the militia were in such a discouraged state that "the weak-hearted (which by this time being the greatest number) are fully resolved, and declare openly, upon actual invasion of the enemy, to render themselves up to their protection, if the County be not in time succoured with troops," and that from neglect of such succors "more than half of our inhabitants are resolved not to lift up arms in defence of this county."

Col. Peter Gansevoort, with the 3d New York Continentals, took command in April, 1777, and began the erection of the fort. On the 1st of August he received a reinforcement of  
 > about 200 men, with several batteaux loaded with provisions and ammunition, the tardy result of Schuyler's orders, which increased his force to about 700 men.

Herkimer on the 17th of July had issued a proclamation calling out all the Tryon County militia from the ages of 16 to 60, but only succeeded in getting about 700<sup>2</sup> by the 5th of August, when he encamped at the confluence of the Oriskany Creek with the Mohawk. He sent that night a messenger to Gansevoort, asking him to make a sortie when he should appear, and to notify the arrival of his messenger by three guns in succession.

His officers and men taunting him with cowardice for delaying to move the next day, he ordered them to march before the signal was heard; the result was the defeat described by the author. Helmer, the messenger, arrived at  
 ✓ the fort at 1 P.M., at 2 Gansevoort sent out a sortie of 206 men under Marinus Willet, who ransacked and plundered the slightly guarded camp of Johnson, who was engaged in the battle about a mile from the fort, and there learning the defeat of Herkimer, retreated back to the fort with their plunder, which, in the words of Helmer, "at a reasonable computation amounted at least to one thousand pounds," "not one man being killed or wounded."<sup>3</sup>

<sup>1</sup> Journals, Vol. I., p. 1006.

<sup>2</sup> Letter of Council of Safety to John Jay and Gouverneur Morris, Journal, Vol. I., p. 1039. This was the same force referred to in R. R. Livingston's letter above quoted.

<sup>3</sup> Helmer's testimony in Journals Council of Safety, Vol. I., p. 1038.

Herkimer, desperately wounded in the leg, bore himself most nobly in the action, was afterwards removed to his own home in the town of Danube on the Mohawk, and died there after an amputation, on the 16th of August, 1777,<sup>1</sup> and is buried in his family graveyard near his house.

The remains of Herkimer's command retreated to old Fort Schuyler (now Utica), carrying their wounded, but without burying their dead, and made no further attempt at relieving the fort. Except the rear they fought bravely. "We will not take upon us to tell of the behaviour of the rear. So far we know they took to flight the first firing," say the Committee of German Flatts in a letter informing the Albany Committee of the battle and asking succor.

"Gentlemen," their letter concludes, "we pray you will send us succor. By the death of most part of our Committee members, the field officers in general being wounded, everything is out of order, the people entirely dispirited; our county at Esopus unrepresented; that we cannot hope to stand it any longer without your aid; we will not mention the shocking aspect our fields do show. Faithful to our country, we remain, your sorrowful brethren, the few members of this committee,

PETER J. DEGGART, *Chairman.*"<sup>2</sup>

St. Leger now regularly invested the fort, by opening  
 7 trenches and running parallels, his artillery being too light to effect any breach. Five days afterward Gansevoort sent Willet and Stockwell,—on the 10th of August,—through the woods to Schuyler for aid, a daring enterprise, who at once sent Arnold with Learned's Massachusetts brigade,<sup>3</sup> and also ordered Col. Philip van Cortlandt, with the 2d and 4th New York Continentals, to push from Albany to join him. Arnold arrived at the German Flatts—Fort Dayton—on the 22d of August, and despatched Han Yost Schuyler  
 4 and some Indians to allow themselves to be taken by St.

<sup>1</sup> Letter of Dr. Robert Johnston, who performed the operation, N. Y. Historic Genealogical Register for 1864, p. 31.

<sup>2</sup> Journals Prov. Con., Vol. I., p. 1037-8.

† <sup>3</sup> "Three regiments in the whole about five hundred and fifty effectives, marched from here yesterday to the relief of Fort Schuyler." Letter from Schuyler to Pierre van Cortlandt, dated Stillwater, Aug. 13th, 1777. Journals Prov. Con., Vol. I., p. 1042.

Leger, and give exaggerated information of large forces he was bringing up, stating them not only at the 4,000 mentioned by the author, but up to 10,000. The ruse was effectual, and St. Leger, whose Indians at once began to leave, after vainly summoning the fort two or three times, raised the siege, and retreated towards Canada on the afternoon of the 22d of August,<sup>1</sup> after an ineffectual siege of 20 days. The Americans attempted no pursuit.

The author knew Marinus Willet, and his early life, exceedingly well, as he belonged to a younger branch of the family of the author's mother, hence the authentic and amusing description of both. Willet's latter life after the war—though he was always a little erratic—was a very respectable one and is well known. He died quite well off in New York in 1830, at the age of 90 years.<sup>2</sup>

Peter Gansevoort, Colonel of the third New York regiment, and Brigadier-General, of an old Albany family, was born in that city, 17th July, 1749, accompanied Montgomery to Canada in 1775 as Major, commanded at Fort Stanwix in 1777, and successfully defended it against St. Leger, for which he received the thanks of Congress; was made Brigadier-General in 1781, and died at Albany, July 2, 1812, aged 62.<sup>3</sup> His son, whom the writer knew well, the late General Peter Gansevoort, died in Albany on the 4th January, 1876, aged 87.

Sir Henry Clinton remarks of this expedition of St. Leger: "If Burgoyne meant to have established himself in Albany, and was sure he could be subsisted there, perhaps he had better have made this his principal attack; this failed from inadequacy of numbers and want of cannon of calibre."<sup>4</sup>

<sup>1</sup> Gansevoort's letter to Gates, *Journals Prov. Con.*, Vol. I., p. 1049.

<sup>2</sup> A speculative purchase of some lots at the sale of the confiscated Bowery estate of James de Lancey, just after the peace, at the low prices of that time, was the foundation of quite a good fortune, which is yet enjoyed by his descendants.

<sup>3</sup> Allen, 406. *Munsell's Hist. Collections on Albany.*

<sup>4</sup> Sir Henry Clinton's MS. notes to Stedman's *Hist.*

## NOTE LXIV.

SIR HENRY CLINTON'S MS. ACCOUNT OF HIS HUDSON RIVER EXPEDITION, WHY UNDERTAKEN, AND WHY ABANDONED AFTER THE CAPTURE OF THE HIGHLAND FORTS AND KINGSTON.

*Vol. I., p. 18.* 218

THE following is Sir Henry Clinton's MS. account of his Hudson River Expedition, in his own handwriting, appended to the 18th chapter of the first volume of his copy of Stedman's History, which treats of that subject.

"When Sir H. Clinton had received a reinforcement of 1,700 recruits from Europe, and had determined on a move up the Hudson, he wrote Sir W. Howe his intentions, and his motives for doing it; tho' he considered the attempt on the Forts as rather desperate he thought the times required such exertions; he feared he should not succeed, but flattered himself he had nothing to apprehend but failure without any fatal consequences to New York. Sir Wm. Howe, in answer, told him that if his object was not of the greatest consequence, and almost certain of success, in a short time, he was ordered to return and send Sir Wm. Howe the troops he had moved with, as Washington, reinforced by Putnam, had been enabled to attack him the 9th; and that if he was not joined by the troops I had moved with, or till he was, he could not open the Delaware. I mention this fact and Sir Wm. Howe's reasons for withdrawing the force I had moved with. Had I received this letter of Sir Wm. Howe's before I had moved, it must have stopped me; but receiving it afterward, by a miracle succeeded in taking the Forts.

"I should have felt myself satisfied in proceeding had I any hopes of success. I had despatched G. Vaughan with 1,700 men to feel for Burgoyne, co-operate with him, nay join him, if necessary.

"Vaughan had advanced near 100 miles, and had 40 miles to go to Albany, and 60 more to join Burgoyne! He wrote me word the 19th he could hear nothing certain of Burgoyne, but had apprehensions. Alas! Burgoyne had surrendered the 17th. Had I moved 6 days sooner I should have found McDougal there, [at the Forts] and consequently must have failed; besides I could not wish a move of that sort, unless Burgoyne had expressed a wish that I should, and I did not receive his answer accepting my offer, till the 29th. Had I made the attempt on the East side and even beaten Putnam, I had

still the Hudson to pass, and I had no boats, nor no vessel to protect my landing; thus therefore I must have failed had I delayed my attack. After I had passed the Thunderbergh 6 hours Putnam would have passed that river and gained the forts, for tho' Sir James Wallis prevented his doing it at Peakskille, he might have done so by a detour, and I must have failed. I tried the impossible, a tolerable good arrangement, good luck, and great exertion of officers and men succeeded.

"From the information I received just as I was landing at Howe's Point, and which I dare not communicate to any Body, I had little hopes of doing more than covering Burgoyne's retreat to Ticonderoga, which I had no doubt of his attempting the 12th; for as to his supposing I could take the Forts and penetrate to Albany, and keep up the communication afterwards he could not expect it.

"C."

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#### NOTE LXV.

THE AMERICAN PRISON SHIPS, OR "FLEET PRISON," AT ESOPUS LANDING.

*Vol. I., p. 220.*

AS early as the 21st of December, 1775, more than six months before the Declaration of Independence, the Provincial Congress of New York "*Resolved*, That Ulster County Jail, or such part thereof as may be necessary, be used and taken as the jail of this Congress, and for the confinement of any such prisoners as may be ordered to be confined by this Congress, or their Committee of Safety." They were to "be there confined at their own expense respectively, but if unable to pay," then "at the public expense of this Colony," and John Blackler, the first prisoner, was ordered to be sent there the same day.<sup>1</sup> How the Ulster authorities looked on their prisoners this extract from a short letter of the 8th of July, 1776, from Johannis Slegt, Chairman of the Ulster Committee to the Congress, for powder, shows: "It is well-known our town [Kingston] has for a long time been

<sup>1</sup> Journals Prov. Cong., Vol. I., p. 231.



crowded (and is yet) with a set of Ministerial cut-throats, regular officers and soldiers, sent here as prisoners."<sup>1</sup>

One of them, Brian Leffertse, in a letter of April, 1776, in the Tomlinson MSS. in the Mercantile Library of New York, gives a terrible account of their sufferings.

The Prison Ships of "the rebels," mentioned in the text, or the "Fleet Prison, at Esopus Landing," or "the Strand," as they were called by "the rebels" themselves, were established by the New York Provincial Convention or Congress to supplement "the jail of Ulster County," and the "jail-rooms" under the Court House in which that body held its sessions, when they could no longer hold the number of loyalists confined by the Convention or its "Committee to inquire into and detect conspiracies." They were vessels anchored in the river at the place above mentioned, which is now known as Rondout, under guard of the regular "privateers" of the Convention. The Convention adjourned from Fishkill to Kingston on the 14th of February, 1777, and by the 18th of March—one month—the prison in the Court House was so full, and the prisoners so neglected, and in such a horrid state, that on that day, on the motion of Gouverneur Morris, the Convention passed the following resolutions :

*"Whereas,* From the past want of care in the prisoners now confined in the jail, immediately underneath the Convention Chamber, the same is supposed to have become unwholesome, and very nauseous and disagreeable effluvia arises, which may endanger the health of the members of the Convention ; therefore

*"Resolved,* That for the preservation of their health, the members of the Convention be at liberty at their pleasure to smoke in the Convention Chamber, while the House is sitting and proceeding to business."<sup>2</sup>

<sup>1</sup> Journals Prov. Con, Vol. II, p. 305.

<sup>2</sup> How severe the difficulty was may be known when it is stated that Mr. Morris was not a smoker himself. A relative of the writer once asked him in his own house, after his return from his embassy in Europe, whether gentlemen smoked at the table after dinner in France. "*Gentlemen* smoke nowhere," was the prompt reply.

This remedy, however, did not go far enough to suit John Jay, and the record thus continues :

"On motion of Mr. Jay, who was seconded :

"*Resolved*, That Capt. Platt, Mr. Cuyler, and Mr. Duane are hereby appointed a Committee to devise ways and means for clearing the jail below and removing the prisoners."<sup>1</sup>

The result was, that on the report of the Committee, four days afterwards, fourteen were discharged on taking the oath of allegiance to the State, and the remainder continued in prison.<sup>2</sup>

About six weeks afterwards, so great was the number then arrested and confined, the capacity of the prison had become exhausted, and to remedy this difficulty, on May 2d, 1777, the Convention established "Prison Ships," by these resolutions :

*Whereas*, A number of artful and designing persons in every county within this State are daily endeavoring by exaggerating accounts of the power of the enemy, and other wicked and criminal practices, to work upon the fears of weak and timid persons, and to betray the liberty of this country ; therefore

*Resolved*, That a committee be appointed to prepare any two or more of the vessels now lying in Hudson's River, for the reception of such persons as may be sent thereto, and that Captains Benson and Castle, or either of them, be directed to see the said vessels properly guarded by the privateers, of which they have the command, and that they suffer no person to go on board said vessels who is not properly authorized thereto.

*Resolved*, That the Commissioners for detecting and defeating conspiracies, etc., be directed to cause to be apprehended such of the persons in each county whose characters are suspicious, and who, by their influence in the county in which they reside, may be supposed dangerous to this State, and send them on board the said vessels, appointing a commissary to supply them with provisions at their own expense.

*Resolved*, That every person who shall be found on shore, after having been confined on board of the said vessels, or either of them, without being properly discharged, shall be deemed guilty of felony without benefit of clergy, and on conviction before the said commis-

<sup>1</sup> Journals Prov. Con., Vol. I., p. 842. At this time the first Constitution of the State was being discussed, having been reported six days before by Mr. Duane.

<sup>2</sup> Report of the Committee, Calendar Rev. Papers, Vol. II., p. 63.

sioners, who are hereby directed and empowered to issue a summons to the sheriff or other officer to empanel a jury for their trial, shall be *immediately executed*.<sup>1</sup>

A few days after, on the 10th of May, "a letter from the Committee of Albany, informing Convention of their perplexities in consequence of their successes in apprehending Tories; their jails are full, and the inhabitants are apprehensive the jail distemper will soon take place; they therefore request the direction of Convention; was read,"<sup>2</sup> and referred to Messrs. Jay and Morris, who, on the 12th, reported resolutions, which were adopted, authorizing the Albany Committee "to prepare any two or more vessels in Hudson's river, near the said city, for the reception of all such prisoners as they may think proper to confine on board the same."<sup>3</sup>

Two weeks and a half after the Convention had thus established the prison ships—on the 19th of May, 1777—the sheriff, who was Egbert Dumond, returned *one hundred and seventy-five persons* as the number of "prisoners on board the vessels at the Strand."<sup>4</sup>

Great complaints being made by the prisoners of starvation and cruelty, very many being in irons, on the 21st of June a committee of the Convention<sup>5</sup> framed a set of rules for the care and custody of the prisoners, fixed the rations and appointed a warden, Capt. Henry Benson; a victualler, Capt. Charles Giles,<sup>6</sup> at 9 pounds per months; a commissary of provisions, at 18 pounds per month, Cornelius Elmendorph; and a clerk, Henry Benson, to be paid a fee of 6 shillings and sixpence from each prisoner when discharged. The rations fixed were  $\frac{3}{4}$  lb. beef, pork, or mutton, and 1 lb. bread per day, with a reasonable allowance of salt and vinegar, to be

<sup>1</sup> Journals Prov. Con., Vol. I., p. 908. The italics are the editor's.

<sup>2</sup> Journals Prov. Con., Vol. I., p. 921.

<sup>3</sup> Journals Prov. Con., Vol. I., p. 927.

<sup>4</sup> Ibid., 937.

<sup>5</sup> Mr. Hobart, Mr. Jay, and Mr. Jacob Cuyler. Ibid.

<sup>6</sup> He was removed on July 11, and his duties ordered to be performed by the Warlen. Ibid., 992.

served out three times a week in summer and twice in winter, all to be paid for by the prisoners.<sup>1</sup> This was reduced as being "too great," on a report of the same committee, on the 27th of August, to  $\frac{1}{4}$  lb. meat,  $\frac{1}{2}$  lb. fish, and  $1\frac{1}{2}$  lbs. flour, daily, and once in every ten days  $\frac{1}{4}$  a pint of vinegar, 1 ounce salt, and 2 quarts peas; the distribution to be once in two days. And this shorter allowance went into effect on the 1st of September; and on the same day the commissary was "directed to supply the State prisoners in Kingston jail with one pound and a half of bread per day, and that the jailor supply them with water."<sup>2</sup> The very next day, somewhat singularly, Dr. Luke Kierstead "was authorized and requested" by the Convention to "visit the Fleet Prison and Kingston jail at least twice a week," and whenever called on by the warden or the jailor.<sup>3</sup> And on the 3d of September, Elmen-dorph, the commissary, having "neglected to supply the State prisoners in jail with bread, agreeable to the order of the 1st instant," was peremptorily ordered to do so, and "informed that a resignation of his office would not be accepted of until another commissary be provided, and sufficient time allowed him to procure a supply of provisions."<sup>4</sup>

The Albany prison ships authorized as above stated do not seem to have been established—probably suitable vessels could not be had—for on the 6th of July all the prisoners at Albany were ordered to be sent "to the warden of the Fleet Prison at Esopus Landing," and on the 10th, they arrived in two sloops to the number of 80.<sup>5</sup> On the 22d those in one prison ship, under Andries Ten Eyck, rose, disarmed the guard, and fourteen of them escaped, but not Ten Eyck, who was put in irons. Six weeks after he petitioned the Convention that his irons be taken off that he might clean himself; whereupon they "ordered that his irons be taken off for the purpose of cleaning and shifting himself, as often as the warden shall think the same necessary, and that they be immediately put on again."<sup>6</sup>

<sup>1</sup> Journals Prov. Con., Vol. I., p. 973-4.

<sup>2</sup> Ibid., 1050 and 1053.

<sup>3</sup> Ibid., 1054.

<sup>4</sup> Ibid., 1055.

<sup>5</sup> Ibid., 988, 991.

<sup>6</sup> Ibid., 1057.

The treatment was terrible for cruelty and starvation—the common lot of military prisons in times of war in all ages and countries—as the letters and petitions of prisoners for relief preserved in the Secretary of State's office at Albany show.

On the 8th of October, 1777, two days after Sir Henry Clinton's capture of Forts Montgomery and Clinton, the Convention in alarm ordered all the prisoners in the jail, "and on board the Fleet prison," forthwith sent to Hartford to Gov. Trumbull.<sup>1</sup> Peter Cantine at once started with about 150, who, "except such as escaped by the way," arrived at Hartford on the 20th of October.<sup>2</sup> On the 15th, the keeper of the jail of Kingston was ordered to provide for such of the State's prisoners as are not able to provide for themselves. The very next day—Oct. 16th—Kingston was captured and burnt by Vaughan.<sup>3</sup>

How many were left behind is not known, the jail, Court House, and Fleet Prison being all full and overflowing at the time Cantine took his party to Hartford.<sup>4</sup>

The prison ships were run up Rondout or Esopus Creek and burnt. A letter in the *Pennsylvania Ledger*, of the 26th of November, 1777, written from Kingston, Oct. 16—the day it was taken—says: "This was effected with only the loss of ten men wounded, many were burnt in the river and Esopus Creek, besides some stores, a mill, etc." What authority the author had for his statement that 150 men were burnt is not known, and it is hoped and believed that he was misinformed.

<sup>1</sup> Journals Prov. Con., Vol. I., p. 1063.

<sup>2</sup> Ibid., 1073, and Vol. II., 487

<sup>3</sup> Letter of Gov. Clinton.

<sup>4</sup> Ibid., 1115 and 1116.

## NOTE LXVI.

HISTORY OF THE SUPREME COURT, FROM THE DEATH OF CHIEF-JUSTICE DE LANCEY IN 1760 TO THE REVOLUTION.

*Volume I., chapter X., pp. 221-235.*

THE author's clear, distinct, and authentic account of the Supreme Court from 1760 to the end of the British rule, its members, their appointments, and their characters, contained in chapter ten, is the most important and valuable contribution to the judicial history of New York during this period that exists. He knew, personally and perfectly, every one connected with the court and government, and was himself one of its judges from 1773 to the end of the Revolution, prior to which he had been the Recorder of the city for some years. He succeeded on the bench of the Supreme Court his own father, Judge Samuel Jones, who himself, prior to his elevation, had been for twenty years Speaker of the Assembly. And he was the son-in-law of that James de Lancey who for the twenty-seven years *prior* to 1760 had been its Chief-Justice. His means of knowledge, therefore, were the most perfect and fullest possible, and he speaks of all parties, himself included, with directness and simplicity.

The correspondence between Governors Colden, Moore, and Moncton, and the Government in England, which of course he never saw, and which was first printed in "the Documents relating to the Colonial History of the State of New York," issued by the State in 1861—especially the letters of Governor Colden—show how correctly he has treated the subject.<sup>1</sup>

<sup>1</sup> Col. Hist. N. Y., Vol. VIII.

## NOTE LXVII.

## JUSTICE ROBERT R. LIVINGSTON—OPPOSED TO INDEPENDENCE OF GREAT BRITAIN—HIS SUDDEN DEATH.

*Vol. I., p. 233, note 1.*

THE following extract from a letter of the Colonial Judge Robert R. Livingston, of 5th May, 1775, to his son Robert R. Livingston (afterwards Chancellor), then about to take his seat in the Congress of 1775, as a delegate from New York, proves that his political views were opposed to independence.<sup>1</sup>

"Every good man wishes that America may remain free. In this I join heartily; at the same time I do not desire that we should be wholly independent of the mother country. How to reconcile these jarring principles, I profess,<sup>2</sup> I am altogether at a loss. The benefit we receive of protection, seems to require that we should contribute to the support of the Navy, if not to the armies of Britain. I would have you consider, whether it would not be proper to lay hold of Lord North's overture, to open a negotiation and procure a suspension of hostilities. In the meantime the check General Gage has received,<sup>3</sup> and our non-importation, will perhaps have a good effect in our favor on the other side of the water. This seems to be the thought of our Counsel<sup>4</sup> here, as Mr. Jay and Mr. Livingston will inform you. I should think if you offered Britain all the duties usually paid here by our merchants, even those paid since the disturbances began, those on tea excepted, which seems to be too odious, and all other duties they may think proper to levy for the regulation of trade shall be lodged in the treasury of each colony, to be disposed of by their respective Assemblies and Legislatures, on an engagement on their side that no other taxes shall be imposed on them but by their own representatives, we ought to be contented. Some

<sup>1</sup> From T. S. Clarkson's "Biographical History of Clermont or Livingston Manor," p. 36.

<sup>2</sup> So in original, as given in Clarkson.

<sup>3</sup> Bunker Hill.

<sup>4</sup> This was probably William Smith, subsequent to the war Chief-Justice of Canada, whose wife was Janet Livingston.

specious offer should be made to increase our friends in England. This, or some other of that kind, if Lord North meant anything by his motion but to deceive the people of England ought to put a stop to his proceedings for the present; otherwise the odium he lies under must increase. The Boston Charter ought by all means to be restored, and were the tea paid for, as a *douceur*, by the whole continent it would be no matter."

Justice Livingston died on the 9th of December, 1775, very suddenly in his 58th year. The author's note on page 233, ascribes it to suicide. There seems to be no mention of his death in the contemporary New York newspapers. The *Pennsylvania Journal* of 20th December, 1775, under the heading, "New York, December 18th," says, "Died on the 9th inst., the Hon. Justice Livingston, at Claremont, in the Manor of Livingston. The event was so sudden that he retired from company to his bed, and in a few moments after expired by an apoplectic fit." "He was in the 58th year of his age." Clarkson's *Biographical History of Clermont*,<sup>1</sup> says, "At the close of 1775, while Mrs. Livingston and her daughters were at the dying-bed of her honored father, Col. Henry Beekman, of Rhinebeck, the beloved husband and father, at home, was taken sick and died with a sudden attack of apoplexy at the age of fifty-one." The age Clarkson mentions is probably an error. He gives no authority for his statement.

In a letter from John Jay, dated Philadelphia, 6th January, 1776, to Robert R. Livingston, Jr., in Jay's *Life of Jay*,<sup>2</sup> evidently in reply to one from the latter on his father's death (which is not given), the former thus writes, "The sensations which the first paragraph of your letter has occasioned mock the force of philosophy, and I confess have rendered me the sport of feelings which you can more easily conceive than I express." There is no other allusion to the cause of the death in the letter, nor any explanation of the remark itself.

<sup>1</sup> p. 43.

<sup>2</sup> Vol. I., p. 58.



## NOTE LXVIII.

SIR WILLIAM HOWE'S INEFFICIENCY IN 1778—THWARTS GALLOWAY'S MILITARY EXPEDITIONS AGAINST THE AMERICANS—ADVISES LOYALISTS OF PHILADELPHIA TO SUBMIT TO WASHINGTON ON THE EVACUATION OF THAT CITY—LOYALIST POETRY URGING HIM TO ACTION IN THE SPRING OF 1778.

*Vol. I., p. 236.*

ISAAC OGDEN, of New York, wrote on the 22d of November, 1778, of Howe's inefficiency, or worse, to Joseph Galloway, in these words :

"Thus has ended a campaign (if it deserves the appellation) without anything capital being done or even attempted. Now, will the historian gain credit, who shall relate that at least 24,000 of the best troops in the world were shut up within their lines by 15,000, at most, of poor wretches, who were illy paid, badly fed, and worse clothed, and scarce, at best, deserved the name of soldiers? *But I forbear.*"<sup>1</sup>

On page 73 of Balch's reprint of "Galloway's Examination" before the Committee of the House of Commons, to investigate Sir William Howe's conduct in America, Galloway, in a note, states that :—

"He offered to raise a regiment of American light horse, but received a warrant for raising only a troop." "He also embodied eighty refugees from the county he lived in, who served the Crown as volunteers, receiving neither pay nor clothing. Having obtained leave to operate these two corps, he kept constantly at work executing plans formed by himself." \* \* \* He also laid a plan for seizing the rebel Governor Livingston, his Council and Assembly, sitting at Tren-

<sup>1</sup> Letter cited by Balch in a note to his edition of *Galloway's Examination*, p. 68. In the end of February and beginning of March, 1778, Washington had not 4,000 effective men, as stated by the people then in his camp, and by officers of his army. *Galloway's Examination*, p. 28, and note.

town. His intelligence was so good, and his scheme so well concerted, that there could be no doubt of success ; but he was not permitted to carry this design into execution."

Galloway's sworn testimony as to Howe's advice to the Philadelphia loyalists to go to Washington and make their peace when the city was evacuated, and Clinton's action thereon, is as follows :

" Sir William Erskine came down to me from Sir William Howe and Sir Henry Clinton, to give me notice as Superintendent of the City,<sup>1</sup> that it was to be evacuated. I sent for the Magistrates acting under me, immediately to consult them respecting our own safety, and that of the inhabitants, who had taken a decisive part on behalf of the Crown. In our conversation Mr. Shoemaker<sup>2</sup> repeated what he had told me a few days before, that Sir William Howe had advised him to go over to Washington and make his peace. It was natural for us to consult together upon the consequences of that advice, and we all resolved not to follow it. However,—we thought it necessary as our safety was still unprovided for, (our lives being attainted, and all that we had in the world confiscated<sup>3</sup>), still to know what was to become of us. The magistrates therefore requested I would wait on Sir William Howe on the occasion, which I accordingly did, immediately, when he gave us the same advice. I started a difficulty respecting the practicability of it, upon which he advised us to apply to Sir Henry Clinton to procure a flag to go out for that purpose." Upon this being reported by Mr. Galloway to the magistrates, they "unanimously agreed not to follow it. We, however, resolved before we parted to communicate our circumstances to Sir Henry Clinton with the advice that had been given to us, as we knew upon him, in a few days, the command of the whole army would devolve." The result of this was, that through Colonel Innis, a confidential friend, Sir Henry Clinton, unofficially, he then not having taken the command of the army, "said he could not have granted a flag on such an occasion, had we requested it—that the game was not up—that the war was not over, but would still be carried on vigorously, and desired that we would not entertain a thought of going over to the enemy."<sup>4</sup>

The loyal men of Philadelphia were disgusted with Howe's inaction in the winter and spring of 1778, knowing well the

<sup>1</sup> Then containing in city and suburbs 25,000 people, within the British lines. Galloway's Examination, p. 25.

<sup>2</sup> Samuel Shoemaker, an eminent merchant of Philadelphia.—Ed.

<sup>3</sup> By the Pennsylvania Act of Attainder, passed March 6th, 1778.—Ed.

<sup>4</sup> Balch's edition of Galloway's Examination, pp. 33, 34.

strength of his army and the weakness of Washington's. The following stirring "Address" written at that time depicts their impatience at his conduct, and knowledge of his character.

ADDRESSED TO SIR WILLIAM HOWE IN THE SPRING.

---

Awake, arouse, Sir Billy,  
 There's forage in the plain,  
 Ah! leave your little Filly,  
 And open the campaign.  
 Need not a woman's prattle,  
 Which tickles in the ear,  
 But give the word for battle,  
 And grasp the warlike spear.  
 Behold each soldier panting  
 For glory, and renown,  
 To them no spur is wanting,  
 March, and the day's your own.  
 Such Troops had Alexander,  
 Two worlds he would subdue,  
 For with a bold Commander  
 They'd conquer old and new.'

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#### NOTE LXIX.

THE MISCHIANZA—ITS SCENE, ITS ACTORS, AND THE STRANGE SIMILARITY BETWEEN THE DEVICE ON THE INVITATION TICKET, AND THE ARMS OF THE STATE OF NEW YORK DEVISED IN THE AUTUMN OF 1777 BY GOVERNOR GEORGE CLINTON AND CHANCELLOR ROBERT R. LIVINGSTON.

*Vol. I., pp. 241-251.*

MISCHIANZA,<sup>1</sup> an Italian word meaning "mixture" or "medley," was the name of the remarkable fête of the 18th

<sup>1</sup> MS. in the Editor's possession.

<sup>2</sup> It was spelled *Meschianza* on the Invitation Ticket hereafter described, but the true Italian spelling is *Mischianza*.

of May, 1778, given by twenty-two officers of the British army, at their sole expense, to Sir William Howe, and his brother, Admiral Richard Lord Howe, on the retirement, by his own request, of the former from the chief command of the British army in America.<sup>1</sup> It was a brilliant mingling of regatta, naval and military procession, knightly tournament, fireworks and ball. Such mixed festivities had been introduced two or three years before in England; that at "The Oaks," Earl Derby's seat near Epsom, on the 23d of June, 1774, on the occasion of the marriage of his eldest son, Lord Stanley (afterwards 12th Earl of Derby) to Elizabeth, the only daughter of James, sixth Duke of Hamilton, arranged by General Burgoyne, the groom's brother-in-law, and for which he wrote his celebrated drama, "The Maid of the Oaks," having

<sup>1</sup> It was also, in all probability, really intended in part as a graceful return to the ladies of Philadelphia for the civilities and courtesies shown to the officers of the army during the preceding winter. The following lines written by one of the ladies are interesting as showing the social effect of the British Army in Philadelphia :

THE WINTER THE BRITISH ARMY WAS IN PHILADELPHIA.

O halcyon days, forever dear,  
When all were happy, all were gay,  
When winter did like spring appear,  
And January fair as May !

Then laughing Sol went gaily down,  
Still brighter in the morn to rise,  
And fondly waking o'er the town,  
On Britain's Ensign beamed his eyes.

Then all confest the valiant knight,  
Had learnt in camps the art to please,  
Respectful, witty, yet polite,  
Uniting fancy, grace, and ease.

Still danced the frolic hours away,  
While heart and feet alike were light,  
Still hope announced each smiling day,  
And Mirth and Music crown'd each night.\*

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\* MS. in the Editor's possession.

been very famous. Howe's officers followed the new fashion, and with such success, that after the lapse of a century the fame of their entertainment still endures.

The "letter from an officer on the spot, to his friend in England, dated at Philadelphia, the 23d of May, 1778," quoted by the author, was written by Capt. John Andrè, of the 7th Foot, or Royal Fusiliers—afterwards the unfortunate Major Andrè; and "the friend in England" was probably Miss Anna Seward. It was published first, in London, in the *Gentleman's Magazine* for August, 1778, and in America, in "The Ladies Magazine," of Philadelphia, for August, 1792.

The scene of the part of the fête on land, was the splendid house and grounds of Mr. Joseph Wharton, one of the rich Philadelphians of the day, called from his marked manners, "Duke" Wharton. It stood on the east side of Fifth street at the corner of Wharton, in Southwark. The lawn and grounds reached towards the Delaware, to which, near the old fort where the landing took place, (afterwards the U. S. Navy yard, and now the station of the Pennsylvania Railroad) a gentle slope extended, ending in a gravelly beach, which as late as from 1803 to 1806 was still existing as a favorite bathing place.<sup>1</sup> The house, occupied as a school in the writer's boyhood in Philadelphia, was only taken down in June, 1862. Prior to its use as a school, it had been for many years a coach factory. In the days of Andrè and of Howe it was one of the finest of the many fine country seats in the neighborhood of Philadelphia.

Watson, the author of the "Annals of Philadelphia," published in 1845, who knew them personally, gives the reminiscences of two of the ladies who took part in the *Mischianza*, in these words :

"When I think of the few survivors of that gay scene who now exist, (of some whose sprightliness and beauty are gone !) I cannot but feel a gloom succeed the recital of the fête. I think, for in-

<sup>1</sup> The venerable Richard S. Smith, now 88 years old, and probably the only person living who then bathed there, mentioned this fact at a meeting of the Pennsylvania Historical Society on the 16th of April, 1877. *Penna. Magazine of History*, Vol. I., p. 154.

stance, of one who was then "the queen of the Mischianza," since Mrs. L.,<sup>1</sup> now blind, and fast waning from "the things that be." To her I am indebted for many facts of illustration. She tells me that the unfortunate Major André was the charm of the company. Lieut. André his esquire, was his brother, a youth of about nineteen, possessing the promise of an accomplished gentleman. Major André and Captain Oliver De Lancey<sup>2</sup> painted, themselves, the chief of the decorations. The Sienna marble, for instance, on the apparent side walls, was on canvas, in the style of stage scene painting. André also painted the scenes used at the theatre, at which the British officers performed. The proceeds were given to the widows and orphans of their soldiers. The waterfall scene, drawn by him, was still in the building when it lately burnt. She, assures me that, of all that was borrowed for the entertainment, nothing was injured or lost. They desired to pay double, if accidents occurred. The general deportment of the officers was very praiseworthy therein. There were no ladies of British officers, save Miss Auchinuty, the new bride of Captain Montresor. The American young ladies present were not numerous—not exceeding fifty. The others were married ladies. Most of our ladies had gone from the city, and what remained were of course in great demand. The American gentlemen present were aged non-combatants. Our young men were whigs generally, and were absent.

No offence was offered to the ladies afterwards, for their acceptance of this instance of an enemy's hospitality. When the Americans returned, they got up a great ball to be given to the officers of the French army, and the American officers of Washington's command. When the managers came to invite their guests, it was made a question whether the "Mischianza ladies" should be invited. It was found they could not make up their company without them; they were therefore included. When they came, they looked differently habited from those who had gone to the country, they having assumed the high head-dress, &c., of the British fashion, and so their characters, unintentionally, were immediately perceived at a glance through the hall. [It was in the Masonic hall, in Lodge Alley.] But lots being cast for partners, they were soon fully intermixed, and conversation ensued as if nothing of jealousy had ever existed, and all umbrage was forgotten.

<sup>1</sup> Logan, probably.—Ed.

<sup>2</sup> Of the 17th Light Dragoons, who succeeded André as Adjutant-General. He was the second son of Brigadier-General Oliver de Lancey, of de Lancey's Battalions, whose wife was Phila Franks, of Philadelphia. Sargent, in his life of André, p. 166, confounds him with his father, who commanded on Long Island, N. Y., during the war, as do many writers. He never married, and died at Beechwood near Edinburgh, the seat of his sister, Charlotte, Lady Dundas, the widow of General Sir David Dundas, K.C.B., while making her a visit in 1820, one of the oldest Generals in the British service, and is buried in St. John's Cemetery, Edinburgh.—Ed.

The same lady was also at a splendid supper and dance given by Captain Hammond, on board the *Roebuck*.<sup>1</sup> The ship was fully illuminated, and one hundred and seventy-two persons sat down to supper.

Miss J. C——g,<sup>2</sup> who was also a knight's lady, has kindly given me her original invitation from Sir Henry Calder, (an officer of high rank), and also an original drawing of Major Andre, of the dress for that fête. He sketched it to give the ladies an idea of the garb they should assume. In reality it was this, for the *Blended Rose*, a white silk, called a *Polonaise*, forming a flowing robe, and open in front on the waist—the pink sash six inches wide, and filled with spangles—the shoes and stockings also spangled—the head-dress more towering than the drawing, and filled with a profusion of pearls and jewels. The veil was spangled and edged with silver lace. She says the whole scene was like enchantment to her young mind.

The ladies of the black knights wore white sashes edged with black, and black trimmings to white silk *Polonaise* gowns. "The ticket" is surmounted with Sir William Howe's crest, and the shield represents the sea, which Sir William is about to cross—hence "Vive Vale." The setting glory of the sun, and the Latin scroll, seems to indicate that although the luminary is thus receding from this, it shall rise again (*resurgam*) in another hemisphere."<sup>3</sup>

<sup>1</sup> The frigate lying off the city, in the Delaware.—ED.

<sup>2</sup> Craig; she was the second named of the *Ladies of the Blended Rose*. Her Knight was Captain Bygrove; his Squire was Lieutenant Nicholls, and his motto, "Without End."—ED.

<sup>3</sup> It is a very extraordinary fact that the device of the shield of the Arms of the State of New York designed in the autumn of 1777, by Governor George Clinton, and Chancellor Robert R. Livingston, should be the same as the device of the shield on the *Mischianza Ticket*, originated by André and the other officers in May, 1778. The only difference is, that, in the former, the land is represented by three mountains, and in the latter by a low landscape. The sun represented in the same position in both, is described as rising in the former and setting in the latter. The mottoes were different and there were no supporters to the shield on the ticket. The latter shield was surmounted by the Howe crest, five ostrich feathers rising from a ducal crown, and the former shield by a crest which is an eagle proper, regardant, wings displayed, rising from a demi-globe argent, the parallels of latitude and longitude sable.

## NOTE LXX.

THE AUTHOR'S SEVERE REVIEW OF THE SERVICES OF THE TWO HOWES—WHY THE NUMBERS OF BOTH ARMIES WERE EXAGGERATED—LA FAYETTE'S TESTIMONY—WHO THE HOWES WERE, AND THEIR TITLES.

*Vol. I., p. 252-261.*

IN the author's very severe but just review of Sir William Howe's services in America, the numbers of both armies are, as we now know, somewhat exaggerated. *Then* none but the Commander-in-Chief on each side knew what his own numbers really were. Each permitted their force to be exaggerated, in order to deceive his enemy, and the public, on both sides of the ocean. The British Generals, by ill treatment of the people, and contempt of the Provincial troops and their officers in the King's service, disgusted both, and lost to the royal side thousands upon thousands of eager friends and well-wishers in all the colonies. They were thus compelled to rely mainly on European reinforcements, which were few and expensive; hence their object in having their numbers exaggerated. On the other side, Congress and Washington had the utmost difficulty in getting together and keeping an army at all. Immediately after Bunker Hill, there was a brief outburst of volunteering, chiefly in New England, but it soon expired; and long before the siege of Boston was raised, threats, bounties, and draftings, were all Washington depended on for troops.<sup>1</sup> He never dared to tell anybody, not even Congress, his true numbers, nor his full and real difficulties on this head; hence his reason for letting immense numbers be given out as under his command. La Fayette's testimony on this point, in his autobiographical

<sup>1</sup> Letter of 25th Dec., 1775, to Reed, as to drafting; Letter of Feb. 1, 1776, as to a "bounty of 20, 30, or even 40 dollars" to all who will enlist for the war. More than half of the letter stating this fact was omitted by *Sparks*. Reed's reprint of Washington's letters to Reed, p. 33, and p. 60.



mémoire, never published till after his death, places the truth of these facts beyond cavil, to say nothing of the numerous private and official documents given to the public within the last decade or two. "Throughout this revolution," says La Fayette, "the greatest difficulty was, that in order to conceal misfortunes from the enemy, it was necessary to conceal them from the nation also; that by awakening the one, information was likewise given to the other; and that fatal blows would have been struck upon the weakest points before democratic tardiness could have been roused to support them. It was from this cause that, *during the whole war, the real force of the army was always kept a profound secret; even Congress was not apprised of it, and the generals were often themselves deceived.*"<sup>1</sup>

George Augustus, 3d Viscount Howe, who fell so bravely at Ticonderoga in 1758, Richard, Admiral Lord Howe, 4th Viscount, and Sir William Howe, 5th Viscount, the commander in America, were brothers, sons of Emanuel Scrope Howe, 2d Viscount, by his wife Mary Sophia, an illegitimate daughter of George I., by his mistress the Hanoverian Baroness Kilmansegge, and consequently, in point of fact, first cousins once removed of George III. The peerage was an Irish one, created in 1701, by William III., in favor of their grandfather, Sir Scrope Howe, Knight, as Baron Clenawley, in the County of Fermanagh, and Viscount Howe. On the fall of his brother at Ticonderoga, the Admiral succeeded to the title, was made a peer of Great Britain as Viscount Howe, in 1782, and created Earl Howe in 1788, and died in 1799, without male issue, leaving three daughters, when the English dignities expired, and the Irish peerage passed to General Sir William Howe as 5th Viscount. Sir William married Frances, daughter of the Rt. Hon. Thomas Conolly, of Castletown, Ireland, by whom he had no issue, and died in 1814, when the dignity became extinct.

The English earldom of Howe was revived in 1821 in favor

<sup>1</sup> Memoirs, Correspondence, and Manuscripts of Gen. La Fayette, published by his family, p. 36. W. A. Duer's edition, N. Y., 1837. The italics are the Editor's.

of Richard William Curzon, son of the Admiral's oldest daughter, Sophia-Charlotte, who had married, in 1787, Peron Asheton Curzon, eldest son of Viscount Curzon, which is now the second title of the earldom. The Admiral's second daughter died single, and the youngest, Louisa, married first, the Marquis of Sligo, and secondly, Lord Stowell, the famous judge in Admiralty, brother of Lord Chancellor Eldon.<sup>1</sup>

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NOTE LXXI.

THE MURDER AND ROBBERY OF JOHN RICHARDS, OF PAS-SAIC, NEW JERSEY, IN 1778.

*Vol. I., p. 280.*

THE bitter message of Governor William Livingston, of the 28th of May, 1777, urging severe treatment of the loyal men of New Jersey, and the confiscation of their property, and the violent hostility of his articles in the newspapers of New Jersey and Pennsylvania, under noms-de-plume, a violent hostility continued even after the war, not only excited the cruelties perpetrated against them, of which the murder of Richards, mentioned in the text, was an instance, but led to similar cruel retaliations. The man who killed Richards, as there stated, was named Brower. Sabine says that the murder took place in January, 1778,<sup>2</sup> and not in the summer of that year.

<sup>1</sup> Burke's Peerage, "Howe."

<sup>2</sup> Sabine's Loyalists, Vol. I., p. 213.

## NOTE LXXII.

CARLISLE AND ROBERTS—THEIR TRIAL AND EXECUTION  
AT PHILADELPHIA IN 1778.*Vol. I., p. 282.*

ABRAHAM CARLISLE, and JOHN ROBERTS, were two most respectable men, quakers in religion, and loyalists in principles. The former was a builder, the latter a miller; and both men of some property, and well advanced in years. Carlisle had a wife and son, and Roberts a wife and ten children. They were indicted for high treason, under a law of the Pennsylvania "rebel" Assembly, passed February 11th, 1777.

The "overt act" proved against Carlisle, was "holding a commission from Sir William Howe, of Superintendent of the City Gates of Philadelphia, with power to grant passes," and "watching over and guarding" the said gates. The "overt act" proved against Roberts, was "enlisting," and attempting to prevail upon another man to enlist, in the armies of the enemy. The "enlisting" of Roberts was technical; that is, he joined the British army in Philadelphia, fearing personal danger if he remained at his home in Merion, and was employed not in fighting, but in obtaining and carrying information. Sergeant, the Attorney General, and Joseph Reed prosecuted, and Messieurs Wilson and Ross defended the prisoners. Under a harsh charge of Judge Thomas McKean both were condemned and sentenced to be hung.

The author is in error in saying they were not permitted the benefit of counsel; the rest of his statement accords with the minutes of the trial of Carlisle, and the numerous memorials and petitions from hundreds of citizens, the judges, the jurors, and the clergy of the city (among the latter, Provost Smith of the College, and William, afterwards Bishop, White) to the Supreme Council of Pennsylvania for their pardon, given in Volume VII. of the Archives of Pennsylvania, pages 21 to 58. Their cases are also reported in 1 Dallas's Penna.

Reports, 39 and 42.<sup>1</sup> All efforts were in vain. Political and personal resentment, and the desire for the proceeds of confiscation, were too strong in the Council, and both were hung. They met their fate with the greatest resolution. At the scaffold Roberts made an address and told his audience "that his conscience acquitted him of guilt; that he suffered for doing his duty to his sovereign; that his blood would one day be required at their hands; then turning to his children he charged and exhorted them to remember his principles, for which he died, and to adhere to them while they had breath. This was the substance of his speech, after which he suffered with the resolution of a Roman."<sup>2</sup>

"They were walked to the gallows behind the cart, with halters around their necks, attended by all the apparatus which makes such scenes truly horrible, and with a guard of militia, but very few spectators. Poor Carlisle, having been very ill during his confinement, was too weak to say anything; but Mr. Roberts, with the greatest coolness imaginable, spoke for some time. . . . After their execution, their bodies were suffered to be carried away by their friends; and Mr. Carlisle's body was buried in Friends' Burying ground,<sup>3</sup> attended by above four thousand people in procession."

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#### NOTE LXXIII.

##### COLONEL MAITLAND AT THE SIEGE OF SAVANNAH—HIS DEATH—CONTEMPORARY TRIBUTE TO HIS MEMORY.

*Vol. I., p. 291.*

COLONEL JOHN MAITLAND, to whose opportune arrival on the 16th of October, with 800 men, by an unfrequented route

<sup>1</sup> There is nothing in either of these official authorities to justify the note of the translator, inserted in the translation of Chastellux's *Travels*, Vol. I., pp. 283-285, that one or both guided the British troops under Col. Abercrombie to attack Gen. Lacy's command in Bucks County.

<sup>2</sup> Letter of Isaac Ogden. Balch's *Galloway's Examination*, p. 77, note.

<sup>3</sup> Letter of James Humphreys, of 23d of Nov., 1778. *Ibid.* 78, note.

from Port Royal, and subsequent skill during the siege, the victory over the French and Americans was owing, though sick all the time with the fever of which he died on the 25th, was a son of the 5th Earl of Lauderdale, and Lieutenant-Colonel of the 71st Highlanders—a man of fortune, and a member of the House of Commons.

The following tribute to his memory is copied from the original MS. of its author, Mrs. de Lancey, of New York, (Margaret Allen, daughter of Chief-Justice Allen, of Pennsylvania) the wife of James de Lancey, the head of that family and party in New York for many years before and at the time of the revolution, in the possession of the writer of this note.

“On the death of Col. Maitland, occasioned by the fatigues he suffered in his admired march from Beaufort to the relief of Savannah, and whose memory, in the Charlestown Gazette, receives its highest panegyric from the mouth of an enemy.

O'er Maitland's corpse, as Victory reclin'd,  
Reflecting on the fate of human kind,  
'Is this,' she cried, 'the end of all thy toils?  
What now avail thy laurels and thy spoils!  
Worn with fatigues, thou cam'st thy friends to save,  
Gave them relief, and sunk into the grave.  
Now Grief and Joy together blend their cries,  
Savannah's saved, yet gen'rous Maitland dies.  
In vain, around, thy conqu'ring soldiers weep,  
Thy eyes are clos'd in death's eternal sleep.  
Yet while a grateful King, and Country sighs,  
O'er thy lov'd ashes Marbles proud shall rise.  
Nay, even thy Foes reliev'd awhile from fear,  
Confess thy virtues and bestow a tear;  
Own that as valour strung thy nervous arm,  
So gentle pity did thy bosom warm.  
O, double praise, to make the haughty bend,  
Yet make the vanquish'd Enemy thy Friend!  
Thus Maitland falls, but to his deathless praise,  
Both Friends and Foes a grateful altar raise.' ”

Intended merely as a friend's tribute to a gallant officer, these lines were published in Rivington's Gazette for April 26, 1780, by some one now unknown, with the following re-

ply of the Spirit of Colonel Maitland to Mrs. de Lancey, the writer of which is also unknown, but was probably Dr. Moore, afterwards Bishop of New York, some of whose verses on another subject are in the writer's possession.

“ From those blest Realms where joys eternal reign,  
Accept my thanks, de Lancey, for thy strain.  
Within a world to malice ever prone,  
Where generous candor is but seldom known,  
Where censure's thousand tongues unceasing wound,  
And private virtue in the foe is drown'd.  
T'was kindly done, a Soldier's Name to save  
Nor let it perish with him in the grave.  
What tho' my Country to her Warriors gone,  
May grateful raise a Monumental stone,  
A few short years their courses shall roll o'er,  
And the vain structure will exist no more ;  
But far beyond what'er a Nation pays,  
My soul esteems the fair de Lancey's praise.  
Where's now the haughty Heav'n aspiring Tomb,  
Rear'd for her Cæsar by afflicted Rome?  
Fall'n beneath the ruthless hand of Age !  
Yet Cæsar lives in Maro's Sacred Page !  
So when in Ruin lies the laurell'd Bust,  
And Tombs and Statues moulder in the Dust,  
Thy verse, de Lancey, shall transmit to Fame,  
Immortal as your own, your Maitland's Name.”

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#### NOTE LXXIV.

GENERAL MONTGOMERY—HIS BIRTH—CAREER—THE GARRISON OF QUEBEC READY FOR HIS ATTACK ON THE 31ST OF DECEMBER, 1775, IN CONSEQUENCE OF AN OFFICER'S PRESENTIMENT.

*Vol. I., p. 309.*

GENERAL RICHARD MONTGOMERY, an Irishman, born in Dublin, was the youngest of the three sons of Thomas Montgomery, of County Donegal, Ireland, a descendant of the

Montgomeries of France. Alexander, the oldest, was the Captain Montgomery who was at the capture of Quebec, under Wolf, in 1759, and who subsequently represented Donegal in the Irish Parliament for forty years. John, the second son, was a merchant and died at Lisbon. They had an only sister, Sarah, who married Charles Jones, 4th Viscount Ranelagh, great grandfather of the present peer.<sup>1</sup> General Montgomery when quite young was put in the 17th Regiment of foot, after being some time at Trinity College, Dublin. He served under Amherst, at Louisburgh in Cape Breton, and accompanied his regiment when that General went to reinforce Wolf *via* Boston, the interior of Massachusetts, and Albany, who however succeeded before Amherst reached Canada. He continued in the army, and "had the promise of a Majority in the year 1771, and had lodged his money for the purchase, when he was overlooked, and another purchased over him. This gave him a disgust for the service." He therefore sold out in 1772, came in January, 1773, to New York, and purchased a small farm of 67 acres on the high ground in Westchester County, near Kingsbridge, on the division line between Yonkers and the Manor of Fordham, upon which in 1776, Fort Independence was erected, and which he devised to his sister, Lady Ranelagh, "as" in the words of his will, "her large family want all I can spare." His wife was Janet, a daughter of Robert R. Livingston, the Colonial Judge of that name, whom he married in July, 1773, when he removed to Rhinebeck in the Manor of Livingston, where he afterward lived. Some years before, while on his way up the Hudson river to a distant post, he had come on shore with other officers at Clermont, Judge Livingston's seat on that river, and thus saw for the first time, the lady he afterwards married.<sup>2</sup> According to the

<sup>1</sup> Burke's Peerage, "Ranelagh."

<sup>2</sup> The above facts are taken from a memorandum written by Mrs. Montgomery, the General's widow, given in a pamphlet entitled, "Biographical notes concerning General Richard Montgomery, with unpublished Letters and Manuscripts," by Louise M. Hunt, a niece of Mrs. Montgomery, published in November, 1876. Though incorrect in her historical statements, the particulars which Mrs. Montgomery says she had from her husband, are doubtless authentic.

Army Lists, the dates of his Commissions were, Ensign, 21st September, 1756; Lieutenant, 10th July, 1758; Captain, 6th May, 1762.

The late Mr. Justice John Gauley Thompson, of the Supreme Court of Canada, whom he met accidentally at Gaspé, while travelling in Canada in the summer of 1866, informed the writer that his father James Thompson, who was temporarily doing duty as an officer at the time of the siege of Quebec, told him that, unable to sleep from a presentiment of impending danger, he got up before daybreak on the 31st of December, 1775, and went personally to examine the out-works on the St. Charles side of the City. Snow covered the ground, and it was snowing slightly at the time. As the daylight began to come, he saw indistinctly some white objects at a distance apparently moving. Satisfying himself that they really *did* move, he at once went to General Carleton and informed him of the fact. Carleton instantly sent orders throughout the entire lines to be on the alert. The result was, that when Montgomery made his attack, he found the British prepared, and was killed at the first fire. Justice Thompson said his father found Montgomery's sword, and that he, the Judge, then had it at his own house in Quebec. That when Montgomery's remains were taken to New York, his father offered to give up the sword; but for some reason, he never knew what, it was declined. His father, on inquiry afterwards, found that Arnold had made his men put their white shirts over their clothes, so as to destroy the contrast with the snow on the ground, and prevent their being discovered too soon. Thus the presentiment of James Thompson was really the cause of Montgomery's defeat and death.

With the writer's party then travelling in Canada, and who heard this account from the Judge, strange to relate, were two granddaughters of Col. Nicholas Van Rensselaer, of Greenbush, N. Y., who was one of Montgomery's aids at Quebec, and with him when he was shot, and who were also the possessors of the sword their grandfather then wore. Great was the surprise of the Judge at hearing from their lips these facts, and great the astonishment of all parties at this



singular meeting, by accident, at the extreme easterly end of Lower Canada, of the descendants of parties so intimately connected on opposite sides with the siege of Quebec, and the death of Montgomery, ninety years before.

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#### NOTE LXXV.

ARNOLD'S TREASON—ANDRÈ—WHO HIS CAPTORS WERE—  
SIR HENRY CLINTON'S MS. ACCOUNT OF THE PLOT—  
DID ANDRÈ LAND UNDER THE SANCTION OF A FLAG?  
—SMITH'S TRIAL—THE FAMILIES OF ANDRÈ AND OF  
ARNOLD.

*Vol. I., pp. 370-385.*

THE accounts of Arnold's treason, and the arrest and execution of Andrè, especially of the arrest, written at the time of, and within a few years after, the events themselves, although agreeing in the main incidents, differ much as to their details. And more recently published statements of contemporaries, brought out by the researches of the past few years, have increased the difference. At the time the text was written, there were many stories current in America and in England, some of which have since proved to have much truth in them: especially those relating to the persons who arrested Andrè. The author is incorrect in stating that Washington's errand to the eastward was "to the Governors and leading men of New England." It was to consult Rochambeau and de Ternay, then just arrived with the expedition from France. He errs, too, in saying that the captors of Andrè were "militia men." They did not belong to any militia, or military company, or corps, whatever. They were simply seven farmer's boys (many accounts call them "peasants,") who on the suggestion of John Yerks, one of their number, had banded together the day before at North Salem, Westchester County, for an expedition to Tarrytown

THEY WERE NOT MILITIA - NYSE

to rob cattle for their own benefit from outlying parties then engaged in driving stock by the western Westchester roads to New York, for the use of the British army.<sup>1</sup> Four of them, John Yerks, the originator of the plan, James Romer, William Williams, and Isaac See, posted themselves on the top of Davis's Hill, in Tarrytown, to watch lest they should be caught by the Light Horse, and three, David Williams, Isaac Van Wart, and John Paulding, the first two of whom could neither read nor write,<sup>2</sup> placed themselves at the foot of the hill by the road to get the cattle when they should appear, where they were playing cards when André came in sight. A fact, which had they been militia on duty, would have made them liable to condign punishment, and which was first mentioned by André himself. According to Williams, Paulding procured the cards at the house of one Isaac Reed, that same morning.<sup>3</sup>

+ SGT

Neither was Washington present at the execution, as the text states. With the greatness naturally belonging to him, he absented himself from it, and it is very doubtful whether he even saw André after his capture. It is certain he never examined him personally, as he did Joshua Hett Smith, when brought to the Robinson house.

The statement that André's boots were pulled off after he was brought to Major Tallmadge, and by that officer's order, though one of the stories of the day, is also an error. Tallmadge, however, did refer to the boots twenty-four years after the author's death, in his speech in Congress in 1817, in favor of the report against increasing Paulding's pension, saying in reference to the captors, "that when Major André's boots were taken off by them it was to search for plunder and not to detect treason."

The overwhelming greatness of the benefit resulting from the action of the captors, blinded many then, and has blinded

<sup>1</sup> Bolton's Hist. Westchester, Vol. I., p. 213. Yerks himself told this fact to Mr. Bolton. The N. Y. Act of 24th June, 1780, authorized this freebooting by private persons for their own profit, and was one of the strongest incentives to the general rapine and crime that then existed in Westchester County.

<sup>2</sup> Sargent's "André."

<sup>3</sup> Williams's statement in Simm's History of Schoharie Co., pp. 646-649.

many since, to their true characters, and the real cause of that action. Moreover, the truth about them was known to few beyond their acquaintances and neighbors, and the officers in command in that locality. And it was to the interest of Congress, and the American cause, and to the benefit of the American Army, that the matter should be made as much of as possible. The result of the action, not the motives of the actors, was the object on which attention was, and has generally been, fixed. Had the seven young men been asked early that very morning before they left the hay barrack at Clark's Corners in which they had slept, or Romer's House where they stopped for breakfast, to lay in wait on the road, whether they were "incorruptible patriots," how amused and astonished they would have been. Paulding, or Pawling, as he is called in the record, and Williams, made their first statements under oath on the trial of Joshua Hett Smith on the 4th of October, 1780, which are those usually quoted and are well known. Van Wart was not examined; why, is not stated. Both statements are silent as to what they found on, or took from, Andrè, except the secreted papers. Paulding on a further question from the Court, as to his reason for not letting Andrè go on the production of Arnold's pass, answered: "*Because he said he was a British officer. Had he pulled out General Arnold's pass, first, I should have let him go.*"<sup>1</sup>

British officers had proved to be valuable captives before, and Paulding, who had escaped only four days before from confinement in New York, was fully aware of the fact. His evidence also proves that had Andrè retained his presence of mind, he need not have been taken at all. How slight was the thread on which then hung the salvation of America!

In "The Journals of Major Samuel Shaw, with a Life of the Author, by Josiah Quincy," is a letter from Shaw to the Rev. Mr. Eliot, on the Arnold treason, dated the 27th September, 1780, four days only after the arrest of Andrè, in which he says, the change of the Vulture's position,

<sup>1</sup> Smith's Trial, Hist. Mag., Vol. VI., supplement, pp. 70-71.

"determined him to try his fortune by land. Accordingly, by virtue of a pass from General Arnold, he crossed King's Ferry disguised as a citizen, under the name of John Anderson; and having got without all our patrols, was taken up by some militia, *or rather a species of freebooters, who live by the plunder they pick up between the lines.* There was something extraordinary in the manner of his capture. As soon as the men presented themselves, he said, supposing them to be some of De Lancey's corps, that he was a British officer. But on finding his mistake, he produced General Arnold's pass, and offered them his gold watch if they would suffer him to go on. They took the watch and searched him for money; but not meeting with any in his pockets, they pulled off his boots, on which he exclaimed, "All's gone, by God!" . . . (here they found the secreted papers). . . . "Andrè, on this discovery offered the captors five hundred guineas, and indeed anything they would demand, provided they would permit him to escape. But all would not do." And after stating his being carried to Jameson, the letter concludes, "This matter was so managed by Arnold that no person was in the secret except the aforesaid Smith, who was a necessary agent. He was taken in bed at Fishkill the same night before he heard of the discovery, and will meet the just punishment of his demerits."

Thirty-seven years after Andrè's death, John Paulding petitioned the fourteenth Congress for an increase of pension for his services in arresting him. The petition was presented in the House of Representatives, and referred to the Committee on Pensions, who reported by Mr. Chappell, their Chairman, against the increase, on the 13th of January, 1817, closing with a resolution that the petition was "*unreasonable*" and ought not to be granted.<sup>1</sup>

The report was opposed by Messrs. Wright, Smith of Md., Gold, Forsyth, Robertson, and Sharp, and supported by Messrs. Chappell, Jewett, Tallmadge, and Pickering, "on the ground of the injustice of legislating on a single case of pension for services which were in fact, though important, but the common duty of every citizen, and in which no disability was incurred; whilst there were many survivors of the Revolution in obscurity and want, and to whom no relief had been, or would be, extended." The motion to reverse the report and grant the prayer of the petition was decided in the negative; ayes, 53, noes, 80 or 90. A motion, by Mr.

<sup>1</sup> Journals, Ho. Rep., for January, 1817.

Little, to postpone, was voted down, and "the report was then agreed to."<sup>1</sup>

"What gave interest principally to the debate," says the report in Niles's Register, "was the disclosure by Mr. Tallmadge of Connecticut, (an officer at the time and commanding the advance guard when Major André was brought in) of his view of the merit of this transaction, with which history and the records of the country have made every man familiar. The value of the service he did not deny, but, on the authority of the declarations of Major André (made while in custody of Col. Tallmadge) he gave it as his opinion that if Major André could have given to these men the amount they demanded for his release, he never would have been hung for a spy, nor in captivity on that occasion. Mr. T.'s statement was minutely circumstantial, and given with expression of his individual confidence in its correctness. Among other circumstances he stated that, when Major André's boots were taken off, it was to search for plunder and not to detect treason. These persons indeed, he said, were of that class of people who passed between both armies, as often in one camp as the other, and whom he said if he had met them he should probably have as soon apprehended as Major André, as he had always made it a rule to do so with these suspicious persons. The conclusions to be drawn from the whole of Mr. Tallmadge's statement, of which this is a brief abstract, was that these persons had brought in Major André, only because they should get more for his apprehension than for his release."

This action and discussion, brought out in confirmation of Major Tallmadge's declaration, the following corroborating testimony of another officer personally aware of all the facts, in an article in the "*Gleaner*," a newspaper of Wilkesbarre, Pennsylvania,<sup>2</sup> in which the editor says :

"There is now living in this town a gentleman who was an officer in the Massachusetts line, and who was particularly conversant in all the circumstances of that transaction. It was this gentleman who, in company with Captain Hughes, composed the special guard of An-

<sup>1</sup> Journals and Proceedings of House of Representatives, 1817. Benson's "Vindication." The latter is merely a republication of the Proceedings of the Board that tried André, Tallmadge's charges, with affidavits of Paulding and Van Wart in vindication of their purity and honesty, and Judge Benson's statement of his belief in them. Except the two affidavits it gives no further evidence in their favor.

<sup>2</sup> This account also appeared in the National Intelligencer, of Washington ; and in the N. Y. Courier, of 24th March, 1817.

drè's person—was with him during the last twenty-four hours of his life, and supported him to the place of execution. From him we have received the following particulars ;—it is needless to say we give them our implicit belief, since to those who are acquainted with the person to whom we allude, no other testimony is ever necessary than his simple declaration.

To this gentleman Andrè himself related, that he was passing down a hill, at the foot of which, under a tree playing cards, were the three men who took him. They were close by the roadside, and he had approached very near them before either party discovered the other ; upon seeing him they instantly rose and seized their rifles. They approached him and demanded who he was ? He immediately answered, that he was a British officer ; supposing, from their being so near the British lines, that they belonged to that party. They then seized him, robbed him of the few guineas which he had with him, and the two watches which he then wore—one of gold and the other of silver.<sup>1</sup> He offered to reward them if they would take him to New York ; they hesitated ; and in his (Andrè's) opinion, the reason why they did not do so, was the impossibility on his part to secure to them the performance of the promise.

He informs [us], also, that it was an opinion too prevalent to admit of any doubt, that these men were of that description of persons usually called "Cowboys," or those who without being considered as belonging to either party, made it a business to pillage from both. He has frequently heard it expressed at that time by several officers who were personally acquainted with all these men, and who could not have been mistaken as to their general characters."

This officer was Captain Samuel Bowman of the Massachu-

<sup>1</sup> Andrè's gold watch, horse, saddle, and bridle were sold after his execution at auction, and the proceeds divided among the seven persons forming the party who captured him. The watch was bought by Col. Smith, who subsequently sent it to Andrè's sisters in England. "The Rev. A. L. Whitman of Groton, Connecticut, has presented to the Connecticut Historical Society the pocketbook taken from Major Andrè at the time of his capture, September 23d, 1780, and it has been placed in the Exhibition Hall of the Society in Hartford. This interesting relic was for a long time in the possession of Mr. Joshua Barrell, a revolutionary soldier, and at his death passed into the hands of his grandson, the donor named above. It will hereafter be kept by the side of Arnold's watch, which has been for many years in the possession of the Society." *Potter's Monthly*, Vol. II., p. 64. A letter of the present distinguished President of the Society, J. Hammond Trumbull, to the writer of this note says, "The Andrè pocketbook was given us by the Rev. A. L. Whitman, who was personally known to me, and whose veracity is above suspicion. He received it many years ago from his grandfather, Joshua Barrell, to whom it was given or sold by one of the captors of Andrè, as he informed his son and grandson." The silver watch is said to be in the possession of a gentleman in Missouri.—ED.

setts line. General King, of Ridgefield, Connecticut, at the time a lieutenant in Sheldon's dragoons, who had the custody of André within a few hours after his arrival at South Salem, also stated, nearly in the same terms, the story André told him. The part relating to the search, is as follows :

"You said you was a British officer, and no money says they. Let's search him. They did so but found none. Says one, he has got money in his boots, let's have them off, and see. They took off his boots, and then they found his papers, but no money. They then examined his saddle, but found none. He said he saw they had such a thirst for money he could put them in a way to get it if they would be directed by him. He asked them to name their sum to deliver him at Kings Bridge. They answered him in this way. If we deliver you at Kings Bridge, we shall be sent to the Sugar House,<sup>1</sup> and you will save your money. He says to them, if you will not trust my honor, two of you may stay with me, and one shall go with a letter which I shall write. Name your sum. The sum was agreed upon, but I cannot recollect whether it was five hundred or a thousand guineas—the latter, I think, was the sum. They held a consultation a considerable time, and finally they told him, if he wrote, a party would be sent out and take them, and then they all should be prisoners. They said they had concluded to take him to the commanding officer on the lines."<sup>2</sup> Mr. Winthrop Sargent, whose authoritative *Life of André* leaves little to be desired, thus tersely sums up the case. "It is evident his captors were of wild unsettled dispositions, engaged now on an expedition that was certainly unsanctioned by the laws and practices of the American Army. That they despoiled their prisoner is also established ; and but for the papers on his person the matter might have ended there. \* \* \* and while we can see that young men in their position delighted in enterprises that had a zest in their very risks and unlawfulness, it is as plain that when love of plunder and love of country were conspicuously balanced before their eyes, the former kicked the beam." \* \* \* That they thought him a spy when they searched him is more than I believe. General Heath says they knew not what he was ; nor he, whether his captors were Americans, British, or Refugees. It is however proper to state, that on every subsequent occasion, they solemnly and steadily professed the entire purity of their conduct and motives in all this transaction.<sup>3</sup>

<sup>1</sup> The prison in Liberty street, New York. —ED.

<sup>2</sup> Sargent's *André*, 317.

<sup>3</sup> *Ibid.*, pp. 319-320.

## SIR HENRY CLINTON'S MS. ACCOUNT OF THE PLOT.

In Sir Henry Clinton's copy of Stedman's "History of the American War," on the margin of the 249th page of the second volume containing the account of Arnold's treason—which is the usual one—is written, in his own hand, "Ignorance of the whole transaction—too tender a subject to explain upon now. C."

Subsequently, on the fly-leaves at the end of the volume, he has written the following statement, which the heading states is copied from his MS. History of the War.<sup>1</sup> It is printed precisely as written.

"About eighteen months before the present period, Mr. Arnold (a Major General in the American service) had found means to intimate to me, that having found cause to be dissatisfied with many late Proceedings of the American Congress, particularly their Alliance with France, he was desirous of quitting them and joining the cause of Great Britain, could he be certain of personal security, and Indemnification for whatever loss of property he might thereby sustain. An overture of that sort coming from an officer of Mr. Arnold's ability and Fame, could not but attract my attention; and as I thought it possible that like another General, Monk, he might have repented of the part he had taken, and wished to make atonement for the Injuries he had done his country by rendering her signal and adequate benefit, I was, of course, liberal, in making him such offers and promises as I judged most likely to encourage him in his present temper. A correspondence was after this opened under feigned names; in the course of which, he from time to time, transmitted to me most material Intelligence; and with a view (as I supposed) of tendering us still more essential service, he obtained in July 1780 the command of all the Enemy's forts in the Highlands, then garrisoned by about 4000 men. The local importance of the posts has already been very fully described in the last volume of this History, it is therefore scarcely necessary to observe how that the obtaining possession of them at the present critical period would have been a most desirable circumstance; and that the advantages to be drawn from Mr. Arnold's having the command of them, struck me with full force, the instant I heard of his appointment. But the arrival of the French armament, the consequent Expedition to Rhode Island, and the weakness of my own force together with the then daily increase of

<sup>1</sup> This it is believed was never published. It would be interesting to know if it is still in existence, and where.



Mr. Washington's obliged me to wait for some more favorable opportunity before I attempted to put that gentleman's sincerity to the proof.

In the mean time wishing to reduce to an absolute certainty whether the person, I had so long corresponded with was actually Major General Arnold commanding at West Point, I acceded to a proposal he made me to permit some officers in my confidence to have a personal conference with him, when everything might be more explicitly settled than it was possible to do by Letter, and as he required that my Adjutant General Major André (who had chiefly conducted the correspondence with him under the signature of John Anderson) should meet him for this purpose on Neutral ground, I was induced to consent to his doing so from my great confidence in that officer's prudence and address. Some attempts towards a meeting had been accordingly made before Sir George Rodney's arrival. But though the plans had been well laid, they were constantly frustrated by some untoward accident or other; one of which had very nearly cost Mr. Arnold his life. These disappointments made him of course, cautious: and as I now became anxious to forward the Execution of my project while I could have that naval chief's assistance, and under so good a mask as the Expedition for the Chesapeake, which enabled me to make every requisite Preparation without being suspected, I consented to another proposal from General Arnold for Major André to go to him by water from Dobb's ferry in a boat which he would himself send for him under a flag of Truce. For I could have no reason to suspect that any bad consequence could possibly result to Major André from such a mode, as I had given it in charge to him, *not change his Dress or name on any account*, or possess himself of writings by which the nature of his Embassy might be traced, and I understood that after his Business was finished he was to be sent Back in the same way. But unhappily none of these precautions were observed; on the contrary, Gen. Arnold, for reasons which he judged important, or perhaps (which is the most probable) losing at the moment his usual presence of mind, thought proper to drop the design of sending Major André back by water, and prevailed upon him, (or rather compelled him, as would appear by that unfortunate officer's Letter to me,) to part with his uniform, and under a borrowed disguise to take a circuitous Route to New York through the Posts of the enemy under the sanction of his passport. The consequence was (as might be expected) that he was stopped at Tarrytown and searched, and certain papers being found about him concealed, he was (notwithstanding his passport) carried prisoner before Mr. Washington, to whom he candidly acknowledged his name and quality. Measures were of course immediately taken upon this to seize General Arnold; but that officer being fortunate enough to receive timely notice of Major André's fate effected his escape to a King's sloop lying off Teller's point, and came the next day to New York.

I was exceedingly shocked by this very unexpected accident which

not only ruined a most important project, which had all the appearance of being in a happy train of success, but involved in danger and distress, a confidential friend, for whom I had (very deservedly) the warmest esteem. Not immediately knowing, however, the full extent of the misfortune, I did not then imagine the Enemy could have any motive for pushing matters to extremity, as the bare detention of so valuable an officer's person might have given him a great power and advantage over me ; and I was accordingly in hopes that an Official demand from me for his immediate release, as having been under the sanction of a flag of Truce when he landed within his posts, might shorten his captivity, or at least stop his proceeding with rigour against him. But the cruel and unfortunate catastrophe convinced me that I was much mistaken in my opinion of both his policy and humanity. For delivering himself up (as it should seem) to the rancour excited by the near accomplishment of a plan which might have effectually restored the King's authority, and tumbled him from his present exalted situation, he burnt with a desire of wreaking his vengeance on the principal actors in it ; and consequently regardless of the acknowledged worth and abilities of the amiable young man who had thus fallen into his hands, and in opposition to every principle of policy and call of humanity, he, without remorse, put him to a most ignominious Death ; and this, at a moment when one of his Generals was by his own appointment in actual conference with commissioners whom I had sent to treat to him for Major Andr 's release.

The manner in which Major Andr ' was drawn to the Enemy's shore (manifestly at the instance and under the sanction of the General officer who had the command of the district), and his being avowedly compelled by that officer to change his dress and name, and return under his passports by Land, were circumstances, which, as they much lessen the imputed criminality of his offence, ought at least to have softened the severity of the Council of War's Opinion respecting it, notwithstanding his Imprudence of having possessed himself of the papers which they found on him. Which, though they led to a discovery of the nature of the business that drew him to a conference with General Arnold, were not wanted (as they must have known) for my information. For they were not ignorant that I had myself been over every part of the ground on which the Forts stood, and had, of course, made myself perfectly acquainted with every thing necessary for facilitating an attack of them. Mr. Washington ought also to have remembered that I had never in one instance punished the disaffected Colonists (within my power) with Death, but on the contrary, had in several, shown the most humane Attention to his Intercession even in favor of avowed spies. His acting therefore in so cruel a manner in opposition to my earnest solicitations could not but excite in me the greatest surprise ; Especially as no advantage whatever could be possibly expected to his cause by putting the object of them to Death. Nor could he be insensible (had he the smallest spark of honour in his own breast) that the ex-

ample (though ever so terrible and ignominious) would never deter a british officer from treading in the same steps, whenever the service of his country would require his exposing himself to the like danger in such a war. But the subject affects me too deeply to proceed—nor can my heart cease to bleed whenever I reflect on the very unworthy fate of this most amiable and valuable young man, who was adorned with the rarest Endowments of Education and Nature, and (had he lived) could not but have attained to the Highest Honours of his profession.<sup>1</sup>

#### DID ANDRÈ LAND FROM THE VULTURE UNDER A FLAG OF TRUCE ?

IT is very clear that if Andrè did land “under the sanction of a flag,” when he went in his uniform, with Joshua Hett Smith, in the boat rowed by the two Colquhouns (tenants of Smith) to the beach at the Long Clove, and met Arnold, the Board of General Officers, to whom Washington referred his case, could not *legally*, as their record expresses it, “report that Major Andrè, Adjutant General to the British Army, ought to be considered as a spy from the enemy, and that agreeably to the law and usage of nations, it is their opinion he ought to suffer death.”<sup>2</sup>

That he did “land under the sanction of a flag” as the author so strenuously insists, was the undoubted belief of every man connected with the affair, including Arnold himself, of all the officers on the British side, and of most, if not all, on the American. But Andrè denied the fact, and thus by his own words actually condemned himself to death, as the official record of the Proceedings of the Board of General Officers shows. That record is as follows, and it is the whole of it on this subject :

“The Board having interrogated Major Andrè about his conception of his coming on shore under the sanction of a flag, he said *that it was impossible for him to suppose he came*

<sup>1</sup> This account has been printed but three times before ; by Lord Mahon in the appendix to the last volume of his History, by Sargent in his Life of Andrè, and in the N. Y. Tribune for the 24th May, 1875.

<sup>2</sup> Final clause of the “Report” in the “Proceedings of a Board of General Officers respecting Major John Andrè,” p. 25.

*on shore under that sanction*, and added, that if he came on shore under that sanction, he might have returned under it.

Major Andrè having acknowledged the preceding facts, and being asked whether he had anything to say respecting them, answered, he left them to operate with the Board.

The examination of Major Andrè being concluded, he was remanded into custody."

It is much to be regretted that the testimony itself, by question and answer, was not reported. The whole "proceedings," except the documents recited, being merely a brief condensation of the evidence in the language of John Lawrence, the Judge Advocate General. Except Andrè, no person was examined; the rest of the evidence was documentary. No other witness was called, Andrè was not given counsel, and the Court sat but part of one day, September 29th, 1780.<sup>1</sup> With such extreme haste was the trial pressed.

We could then have judged whether Andrè did or did not lose his presence of mind on that occasion, and say what he ought not to have done, as he did on the occasion of his arrest at Tarrytown. Had he said that he came on shore under the sanction of a flag, his execution would have been illegal. His whole correspondence and communication with Arnold, prior and up to the landing, was by means of flags, and shows that 'Mr. Anderson' was to come under a flag.<sup>2</sup> Arnold, it will be remembered, went to Dobb's Ferry by water, under a flag, on September 11th, to meet Andrè and Beverly Robinson, but was fired on and driven off by the guard boats. A result that compelled those two officers to come to the Vulture on the 20th, on board which vessel they expected Arnold would come under a flag, as he could not come in any other way. And it is inconceivable that when it was decided by Robinson and Andrè, as Arnold did not come on board, that Andrè was to go on shore to him, that he, Andrè, should have believed that he was *not* going on shore under a flag, especially as he went in uniform. But as he denied before the Board of Officers that "he came on shore under the

<sup>1</sup> See its "Proceedings" which were published by order of Congress.

<sup>2</sup> He expressly *says so himself* in his letter to Sheldon of 7th Sept., 1780.

sanction of a flag" they could not, possibly under the law military, report otherwise than they did—and his condemnation and execution by Washington's orders as a spy, by hanging, *was therefore perfectly right and proper*, leaving all other questions entirely out of view. If André did not lose his presence of mind on his examination; and make some mistake, then he must have considered that the assumption of the name of John Anderson, and appearing as John Anderson, forfeited his right to claim immunity under a flag as Major John André. The record does *not* show that André denied that "John Anderson" came on shore under the sanction of a flag, and it does not state that there was no flag in the boat, as it should have done, if the evidence showed that such was the fact.

It must be remembered in this connection that Joshua Hett Smith and the two Colquhouns, or Cahoons, as they are called in the report of Smith's trial, were the only persons in the boat when it went to the Vulture, and André the only person they brought back; that the whole transaction was at night, and the time the boat remained at the Vulture was only a quarter of an hour; that all previous communications with the Vulture and the American lines had been by flags of truce, and the firing by the Americans upon a flag sent from the Vulture to meet a flag displayed by themselves at Teller's Point, caused her captain, Sutherland, to send another flag with a letter from him to Arnold, attested by "John Anderson" as secretary, complaining of that base act, which thus was really the means by which Arnold was informed of André's presence on board the Vulture.

At the trial of Smith, Samuel Colquhoun made no statement, pro or con, about a flag, nor was any question asked him on the subject; Joseph Colquhoun detailing his interview with Smith, when the latter wished him to row the boat, swears "on asking Mr. Smith where he wanted to go, he said, a little way down the river. On asking how far, and where, he said I think, 'on board of the man-of-war,' or 'ship,' I am not certain which, as a flag on business of General Arnold." This was all he stated, and neither he nor his

brother were asked if there was any flag in the boat. There is no evidence either way from these men on that point, except as here stated.<sup>1</sup>

General La Fayette swore on Smith's trial, that at the examination of Smith by Washington, at the Robinson House, in the presence of Knox, Hamilton, Tilghman, and himself, Smith "said that he had been sent by General Arnold on board the *Vulture*, British man-of-war, with a flag, in the night, in order to bring on shore Col. Robinson." . . . "Being asked if he thought himself under the sanction of a flag in the darkness of the night, he answered 'Yes.'"<sup>2</sup>

The letters of Col. Robinson and Capt. Sutherland on the occasion show that they considered that Smith came, and André went, under the sanction of a flag, and Arnold himself expressly wrote Washington that such was the fact. Genl. Knox says nothing in his testimony on the trial about the flag, but swears that Smith said, "he with two other persons went from a place which Mr. Smith called, I think, Hay's Creek, in a boat on board the *Vulture*; that when he came near the *Vulture* he was hailed, and told to come on board in very violent and abusive language."

The testimony of Harrison and Hamilton as to Smith's statements on his examination, was similar to Knox's. Nothing either way as to a flag was said by either.<sup>3</sup>

Such is a brief summary of all the evidence on this point. Why André denied that he landed "under the sanction of a flag" is inexplicable, unless he lost his presence of mind and made statements when alone before the Board of General Officers not borne out by the actual facts, or unless his high sense of military honor forbade that the immunity of a flag which "John Anderson" could have demanded, could also be demanded by Major John André. Probably the latter was really the case.

<sup>1</sup> Smith's Trial, "Examination of Samuel and Joseph Cahoon," pp. 2 to 6. Hist. Mag., Vol. X., 1st series, Supplement.

<sup>2</sup> Ibid, La Fayette's testimony.

<sup>3</sup> Ibid, testimony of Knox, Harrison, and Hamilton on Smith's Trial.

## JOSHUA HETT SMITH'S TRIAL.

JOSHUA HETT SMITH was *tried* after Andrè's execution, not arrested then as the text states, and before a Court Martial of field officers. He claimed a jury trial on very much the grounds stated by the author, but it was not accorded him. He was arrested at Fishkill in his bed the very night following the afternoon on which Washington first learned of the treason, and was examined by him in person the next morning on his arrival at the Robinson House. The report of this trial is very rare, very few copies were printed, and it is believed the author of this History never saw it—at least in full. A copy having come to the knowledge of the late James Gordon Bennett, he reprinted it in his newspaper, the New York Herald. From this it was printed in "The Historical Magazine," of New York, in 1866, and afterwards a few copies in expensive pamphlet form were issued by a gentleman of New York. These are the only reprints that have ever been made, it is believed. Smith was subsequently confined at Goshen by the civil authorities, but he finally escaped from the jail and went to New York. He never had a civil trial.

Smith's "Narrative of the Death of Major Andrè," is very much more common. But his citations and references in it to his "Trial" and the evidence there given are utterly unreliable, and some of them absolutely false. It was intended for the English public, and written accordingly, by that most unprincipled and treacherous person.

## THE FAMILIES OF ANDRÈ AND ARNOLD.

MAJOR ANDRÈ was born about 1751, and was the eldest son of Anthony Andrè, a merchant of London, by Mary Louise, daughter of Paul Girardot, of Paris. His father was born in Geneva, in Switzerland, and was the grandson of John Andrè, of Nismes. He made London his home, was naturalized by an Act of Parliament in 1748, and died there (at Hackney) on

the 14th of April, 1769, leaving two sons, John—the Major—and William Lewis, both in 1780 in the Army in America, and two daughters, Mary Hannah, and Louisa Catherine, the former of whom died at Bath, December 25th, 1835, aged 81, and the latter at the same city, March 3d, 1845, aged 93. Their mother died at Bath as late as 1813, at the great age of ninety-one years. Captain William Andrè, in memory of his brother's services, was created a Baronet of Great Britain, March 24th, 1781. He had a son of the same name who died in his father's lifetime, and Sir William Lewis Andrè, Bart., himself, died November 11th, 1802, when the dignity became extinct.<sup>1</sup> The mural monument in the south aisle of the nave of Westminster Abbey, was erected shortly after Andrè's death by order of George III., and his remains were removed by order of the Duke of York from Tappan, carried in the frigate *Phæton* to England, and interred beneath the pavement of the Abbey near the monument in 1821.<sup>2</sup>

General Arnold sailed for England with the army, was disgusted with his experience there, and went to St. Johns, New Brunswick, in 1785, and entered into trade. But he was disliked by the loyalists, who founded that city, and was very unpopular. He sued his partner, Monson Hoyt, who had said some harsh things about his connection with a fire which burned his store, for libel, and the jury gave him two and six pence damages.<sup>3</sup> He was unsuccessful in business, remained about seven years, and returned to England by way of the West Indies in 1794.

On the vexed question as to the complicity of his wife in Arnold's plot—the writer can state, that he was informed by his personal friend, the late Richard Varick De Witt,<sup>4</sup> of

<sup>1</sup> Colonel Chester's Westminster Abbey, Sargent's Andrè.

<sup>2</sup> The removal of the remains of General Montgomery from Quebec to New York in 1818, and their interment at St. Paul's Church, suggested the idea to Consul Buchanan of that city. He brought the subject to the notice of the Duke of York, who at once carried the suggestion into effect in August, 1821.

<sup>3</sup> The record of the trial was in existence in 1876, when the writer was at St. Johns.

<sup>4</sup> Son of Simeon De Witt, geographer to the American army, and nephew of Colonel Varick, whose name he bore.



Albany, one of the most upright of men—that Col. Varick, Arnold's aid, told him, that at first he believed Mrs. Arnold's conduct on the discovery of the plot was the genuine result of her innocence of her husband's treachery, but that subsequently he was satisfied that it was nothing but a piece of splendid acting.

BENEDICT ARNOLD, the traitor, was the fourth of his name in four consecutive generations, and the fifth in descent from the first ancestor of the family in America. He was the son of Benedict Arnold of Norwich, Connecticut, a merchant, grandson of Benedict Arnold of Rhode Island, a member of its Assembly, and great grandson of Benedict Arnold who came from Pawtucket to Newport in 1653, succeeded Roger Williams as "President of the Colony" under the first charter, and was several times Governor of Rhode Island under the second charter. He it was who refers in his will to "his stone mill in Newport," and is supposed to have built that famous structure. This first Benedict Arnold was a son of William Arnold of Leamington in Warwickshire, who came with his family to New England in 1636, was a friend of Roger Williams, whom he accompanied to Providence, and settled on the Pawtucket River. General Benedict Arnold was thus of the fifth generation in America of a very respectable family, and was born in Norwich, Connecticut, July 3d, 1740. His mother's maiden name was Waterman, but at the time she married his father she was a widow King.<sup>1</sup> His first wife was a Miss Mansfield, who died in 1775, while he was with the army in Canada.<sup>2</sup> His second was Margaret Shippen, daughter of Edward Shippen, Chief Justice of Pennsylvania, whom he married April 8th, 1779. He died at his house in Gloucester Place, London, in his 61st year, on the 14th of June, 1801, and on the 21st was buried at Brompton. His wife died in Bryanstone street, Portman Square, London, in

<sup>1</sup> Arnold Family Chart in the N. Y. Gen'l. and Biog'l. Society.

<sup>2</sup> By her he had three sons: *Benedict*, an officer of artillery in the British army, who died young in the West Indies; *Henry* and *Richard*, both lieutenants in their father's cavalry legion, and subsequently in business with him at St. John's. Later they were merchants in Troy, N. Y., and removed to Upper Canada, where, in 1829, they were men of some property. Sabine, Vol. I., p. 183.

1804, at the age of 44. Just after the peace Mr. Peter Van Schaack, a New York loyalist, while in Westminster Abbey, saw a gentleman and lady enter, and pass to the monument then recently erected by the King to Major André, near which they stood and conversed together. They were General and Mrs. Arnold. What a picture! The traitor and his wife in Westminster Abbey before André's monument! Mr. Van Schaack turned from it with disgust.<sup>1</sup>

By his second wife, Margaret Shippen, Arnold had five sons and one daughter:—

1. EDWARD SHIPPEN ARNOLD, Licut. Bengal Cavalry, d. at Singapore, 13th Dec., 1813. He was the baby at the time of the treason.
2. JAMES ROBERTSON ARNOLD, named after the last British Governor of New York, Lieutenant-General, K. H. and K. C., m. Virginia Goodrich, of Saling Grove, Essex, and d. 1834.
3. GEORGE ARNOLD, Lieut.-Col., Bengal Cavalry, m. Anne Brown, d. in India, 1st Nov., 1828.
4. WILLIAM FITCH ARNOLD, Captain in the 19th Lancers, the youngest son, who alone left descendants. He was born 25th June, 1794, married 19th May, 1819, Elizabeth Cecilia Ruddach, of Tobago, and had issue:—
  1. EDWIN GLADWIN ARNOLD, born 25th April, 1823, the present head of the family, m. 27th April, 1852, CHARLOTTE GEORGINA, eldest daughter of Lord Henry Cholmondeley. He is a clergyman, and Rector of Barrow, Cheshire, and has issue, nine children, six sons and three daughters, of whom Edward Cholmondeley Arnold, born 15th Dec., 1854, is the eldest.
5. SOPHIA MATILDA, m. Col. Pownal Phipps, of the East India service, who died in 1828, leaving issue.<sup>2</sup>

The seat of the family is Little Missenden Abbey, Buck-

<sup>1</sup> Van Schaack's Life of Peter Van Schaack, p. 147.

<sup>2</sup> Burke's Landed Gentry—"Arnold."

inghamshire. "Whatever may have been the failing of Arnold," says a writer of a sketch of the family in the *Albany Argus*, in 1874, "there is no denying the fact that his sons and grandsons were high-minded and honorable men."

END OF VOL. I.

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[From the Boston Evening Transcript, June 5, 1879.]

# A TORY HISTORY OF NEW YORK DURING THE REVOLUTION.\*

It has become a generally accepted truth that every history or narrative concerning any matter of variance, strife or controversy between two parties, individuals, communities or nations, has two sides to it. This means that there are two ways of telling a story, two sets of facts to be presented, two methods of dealing with the same facts, two lines and courses of argument, with inferences, colorings of statement, stress of emphasis, relations of the course of individuals, with an ascription of motives and ends to either party, with all the consequent conclusions to be drawn from one or another view or construction of the elements and materials which enter into any complicated and contested issue. The intelligent and the candid have been led to allow that this duplicated rehearsal and summing up of the substantial facts of any case is at least possible, if not reasonable and just, in every matter of the world's history, whether of private or public concern.

It might seem as if there was a single story which stood out fairly and fully as an exception to this general statement—a story which absolutely had only one side to it, viz.—that Cain killed Abel. But ethnologists have told us of an ancient city in the central fastnesses of eastern Asia, in which dwelt a nation called the Ishudes, claiming to be descendants of Cain, and who actually invert the old Bible story, and insist that Abel was the wrong-doer, and Cain the innocent sufferer. Now, if that story has two sides to it, what incident in the whole series of the world's strifes, what controversy, conflict or struggle in the long development of human fortunes in this distracted world shall we exempt from the sweep of the truth above presented as so fully verified?

The voluminous histories, biographies, monographs and addresses on manifold occasions, in Congress and on local celebrations, which find their theme in any of the causes, occasions or actors in our own civil war, have made us familiar with the bewildering range of uncertainty covered by the different selections of facts, the ways of presenting them, or arguing, pleading or drawing inferences and conclusions from them. We need no longer to go back to any matters of the Old World histories to find examples of the perplexities which are made to invest all the substantial elements of a narrative from the different ways of telling a story. More than one generation will find full occupation among us in

trying to digest and assimilate the facts which shall fairly present to an earnest and discriminating reader the real origin, method and true moral significance of our great national war.

Of our earlier conflict, that which made us a nation by securing our independence, it may be said that, as a matter of fact, the telling of the story has been so far almost entirely and exclusively on one side. This statement applies with especial force to the estimate generally made of the characters, motives and conduct of the chief actors, the public men, the patriots, the statesmen and the military officers who led in, controlled and accomplished the great result. The glamour of success has invested them with all the glory of self-sacrifice, wisdom and patriotism. The loftiest virtues have been assigned to them. We credit them with singleness of purpose, sincerity of heart, absolute self-negation, and the complete merging of all private aims, interests and ends in a sublime public cause. Even the British historians and pamphleteers, when writing from their own national point of view of the method, the conduct and the chief actors in the war which separated us from the mother country, though some of them have not been sparing of falsehood, misconstruction, in vective and actual slander, have by no means availed themselves of the materials which they might easily have obtained for telling the other side of the story concerning us.

Among ourselves it has been to a very large extent assumed and allowed that there are incidents, documents, secret passages and critical matters concerning the doings of public bodies and the course or characters of public men, which, for many reasons, it is not wise or desirable to bring under relation or discussion in writing the history of our Revolution. One might almost infer that there had been a concert among our historians to this end. Keen and diligent inquirers into that portion of our annals know much which has never got upon the record or in print, and which by the tolerance of the past has been veiled in an obscurity that in our days of interviewing, of reporting, and of sensational journalism is inconceivable if not impossible. John Jay said that a true and faithful rehearsal of the parts played, the acts done, the intrigues contrived and the measures approved by the "patriots" in our struggle, to say nothing of the motives which might reasonably be ascribed to some of them, could not be made on the printed page of sober history, and ought not to be made if it were possible. Higher and nobler ends and lessons would by such rehearsal be perilled and sacrificed by discreditable disclosures though professedly made in the interest of truth. Where the sum and prevalence of aim and purpose were righteous, and the evil was precipitated and neutralized, and when, according to the best construction of Washington's somewhat dubious motto, "*Exitus acta probat*," the result threw back approval upon the measures which secured it—it is

\* History of New York during the Revolutionary War, and of the Leading Events in the other Colonies at that Period. By Thomas Jones, Justice of the Supreme Court of the Province. Edited by Edward Floyd DeLancey. With Notes, Contemporary Documents, Maps and Portraits. Two volumes, royal octavo. New York: Printed for the New York Historical Society. 1879.





Jones, had been before him. Having, as we shall see, from the personal attitude of disgust and opposition assumed in the preparatory stages of the Revolution, to prime movers in them, and being greatly impaired, leaving friends and a large property, he for England with his wife and not to use the waters at Bath. He, then, he should return here to home-sions under the restored power of He died in England in 1792, his amazement and horror, witness the full triumph of rebellion and the neglect by Great Britain of the rights, who, like himself, had staked worldly good and hopes in faithfulness to their lawful monarch. He employed himself with a most embittered spirit in the composition of a history between the years 1783 and 1789, which, in its distractions and was almost as dark a one for the land as had been the years of the manuscript passed into the hands of his wife, then of his niece, and in 1835 of her brother, the late Lancelot of western New York. The bishop, thinking that the matter in it may now safely be explained, is the editor who sanctions the publication.

The distinctive character of the tone and of these ponderous and voluminous is to be referred chiefly to personal sentiments and experiences. The writer, deeply embittered as he was by the sense of what he regarded as the outrages and miseries inflicted upon the colonies, not espousing the cause of our independence. It was no part of his purpose to voice the course pursued by the British Government towards the colonies, in the measure which led to the war or in the conduct of the war. He does, indeed, avow himself a loyal subject of the Crown, warmly attached to his mother country, proud of his allegiance and happy under the institutions by which it is maintained in his native province. He is a zealous monarchist, but a moderate member and lover of the Church. He opens his relation by describing the condition of the province a few years before the outbreak of hostilities as marking an age of peace and prosperity, and a condition soon to be indicated, of harmonious relations between the families and individuals and the generally, though the population means a homogeneous one, and rivalries and discords among the religious sects, cliques, classes, and conditions of which it was made up. He makes any emphatic argument in favour of the course pursued by the Government which made the first step towards the colonies, he contents himself with such an approbation as would

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Great Britain  
can col-  
far more  
cans of  
aggrieved  
of the  
with the  
terian  
in our  
the Re-  
ruthless

hempen halter beside  
judge could not be  
he, a sworn subject  
attainted as a traitor  
York.

He lays out his  
strong and censorious  
essays to trace out wh  
cunning plots, the pro-  
wholly selfish tricks  
leaders of the patri-  
closes some discredi-  
viduals may well be  
that his subject-matter  
things that he seem  
all others were repu-  
of their native-born  
ple, Presbyterianism,  
he calls "New England  
have agreed with the  
that Episcopalianism  
for a gentleman. As  
already, to his view  
just before the out-  
the golden age of New  
referring the initials  
to the activity of a few  
Presbyterian party at  
the Revolution, who  
ment of the full pre-  
of England over the  
nions of the Province  
traceable to the la-  
tions, cunning, sly, and  
Smith, father and son  
John Morin Scott,  
Brugh and Philip L.  
Smith." These were  
that "abuse, scandal,  
blackguard stuff" in  
publications of the party  
the other side, Judge  
etc., were all noble  
chargeable with no fi-  
lion and its promote-  
ing, cunning, hypocri-  
el," is the character  
whom no act justifies  
is alleged. If the judge  
the water as he wrote  
it is easy to understand  
once out of the count  
desirable that he should  
yet he doubtless knew  
and deeds what war-  
sional strong expression

Judge Jones says the  
nial Congress was held  
as Loyalists, were the  
opposition to rebellious  
sive and unwise con-  
Administration was  
They were ready to take  
and moderate meas-  
believing that by consti-  
change of Administration  
redress without enter-  
sundering or weakness  
which held them to this  
end the Loyalists

3. With all his law, the  
 4. made to understand how  
 5. of the Crown, could be  
 6. to the State of New

7. all force in the use of  
 8. his language when he  
 9. at he regarded as the  
 10. fligate intrigues and the  
 11. and measures of the  
 12. party. That he dis-  
 13. table facts about indi-  
 14. allowed, considering  
 15. is human nature. The  
 16. to have hated beyond  
 17. blicanism, the assertion  
 18. rights by common peo-  
 19. and any form of what  
 20. religion." He would  
 21. immaculate Charles II.  
 22. was the only religion  
 23. an exception, hinted at  
 24. of the state of things  
 25. break as representing  
 26. New York, he begins by  
 27. tion of the rebellion  
 28. actions Republican and  
 29. some fifteen years before  
 30. resisted the establish-  
 31. ogatives of the Church  
 32. heterogeneous commu-  
 33. All the mischief was  
 34. uppoors, artful insinua-  
 35. mark designs of William  
 36. n, William Livingston,  
 37. Robert R., Peter Van  
 38. Livingston, and Thomas  
 39. the originators of all  
 40. infamy, billingsgate and  
 41. which appeared in the  
 42. patriots. The leaders on  
 43. Pratt, the De Lanceys,  
 44. le and pure-hearted men,  
 45. fault but hatred of rebel-  
 46. rs. "An artful, design-  
 47. tical, Presbyterian reb-  
 48. given of a man against  
 49. the use of the terms  
 50. age talked on this side of  
 51. on the other side of it,  
 52. and that when he was  
 53. ty it was not considered  
 54. ould return to it. And  
 55. concerning some actors  
 56. anted him in an occa-  
 57. on.

58. at before the first Colo-  
 59. d, he and others, who,  
 60. chief sufferers for their  
 61. n, recognized the oppres-  
 62. rse which the British  
 63. pursuing towards us.  
 64. take part in any judicious  
 65. es of remonstrance, be-  
 66. tutional means and by a  
 67. ation they might secure  
 68. taining any purpose of  
 69. ning the happy bonds  
 70. he mother country. To  
 71. helped in or assented

to the sending of delegates to the first Con-  
 gress. But the spirit which gained the ascend-  
 ency in that body, and which grew rampant  
 in its successors, together with the violence,  
 the passion, the outrages and the rule of the  
 mob which inflamed the lower classes of soci-  
 ety, soon drove him and his friends to take  
 the stand by which they sacrificed their  
 worldly goods and hopes. His pages are  
 about equally divided between a statement of  
 the wrongs inflicted upon the Loyalists, of  
 which he gives many aggravating personal  
 relations, and the blunders, corruptions, ex-  
 travagance and gross frauds which humili-  
 ated the British military and administra-  
 tive departments. He does not shrink  
 from pronouncing General Howe as supine,  
 half-hearted in his command, and, in fact,  
 treacherous to his own king. The following  
 is the judge's summing up of the wrecked  
 cause: "Had half the pains been taken to  
 suppress the American Rebellion as there  
 was to drain the British treasury of its cash,  
 any one year of the war would have abolished  
 rebellion and Great Britain been at this day  
 still in full possession of thirteen opulent col-  
 onies, of which she has been dismembered by  
 the misconduct and inattention of one gen-  
 eral [Howe], by the stupidity of another  
 [Clinton], and by an infamous ministry, who  
 patched up an ignominious peace, to the dis-  
 honor of the nation, the discredit of the sov-  
 ereign, and to the ridicule of all Europe."  
 There is much repetition in the volumes, and  
 a frequent recurrence to and summarizing  
 of complaints and outrages which lay such  
 a heavy burden on the feelings and sense  
 of wrong of the writer. Some very inter-  
 esting biographies and sketches of character  
 of prominent persons of the time are given,  
 with occasional revelations of newly dis-  
 closed facts. The brief chapter on General  
 Washington, though unsympathizing and  
 slightly depreciatory, is, on the whole, cred-  
 itable to the writer. The straightfor-  
 wardness and earnestness of the judge, and the ev-  
 ident fulness of his information, make us  
 tolerant of some of the defects of his style  
 and of the one-sidedness of his narrative.

Nearly half of the contents of both these  
 volumes consists of notes and documents fur-  
 nished by the editor. For his work the very  
 highest respect and encomium will be grant-  
 ed in full measure by every reader. He may  
 stand as a model for all who shall undertake  
 a like laborious office. He shows that he  
 possesses in the highest degree every quality  
 needed to fit him for the task. Years of re-  
 search and investigation must have gone into  
 his pages. He is dignified, candid and impar-  
 tial where anything like comment from him  
 on the text which he has illustrated seems to  
 be called for. The official papers which he  
 has hunted out from their repositories are  
 very valuable and luminous as revealing the  
 actual state and coloring of the times and  
 events. Occasionally he qualifies or rectifies  
 remarks or assertions which Judge Jones had  
 made from imperfect knowledge or strength  
 of prejudice. So the volumes, with this

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generous body of admirable documents, will be highly class of historical students the nearer they can come to the more satisfactory will be a fair and full understanding which engages them. They grateful to Judge Jones for

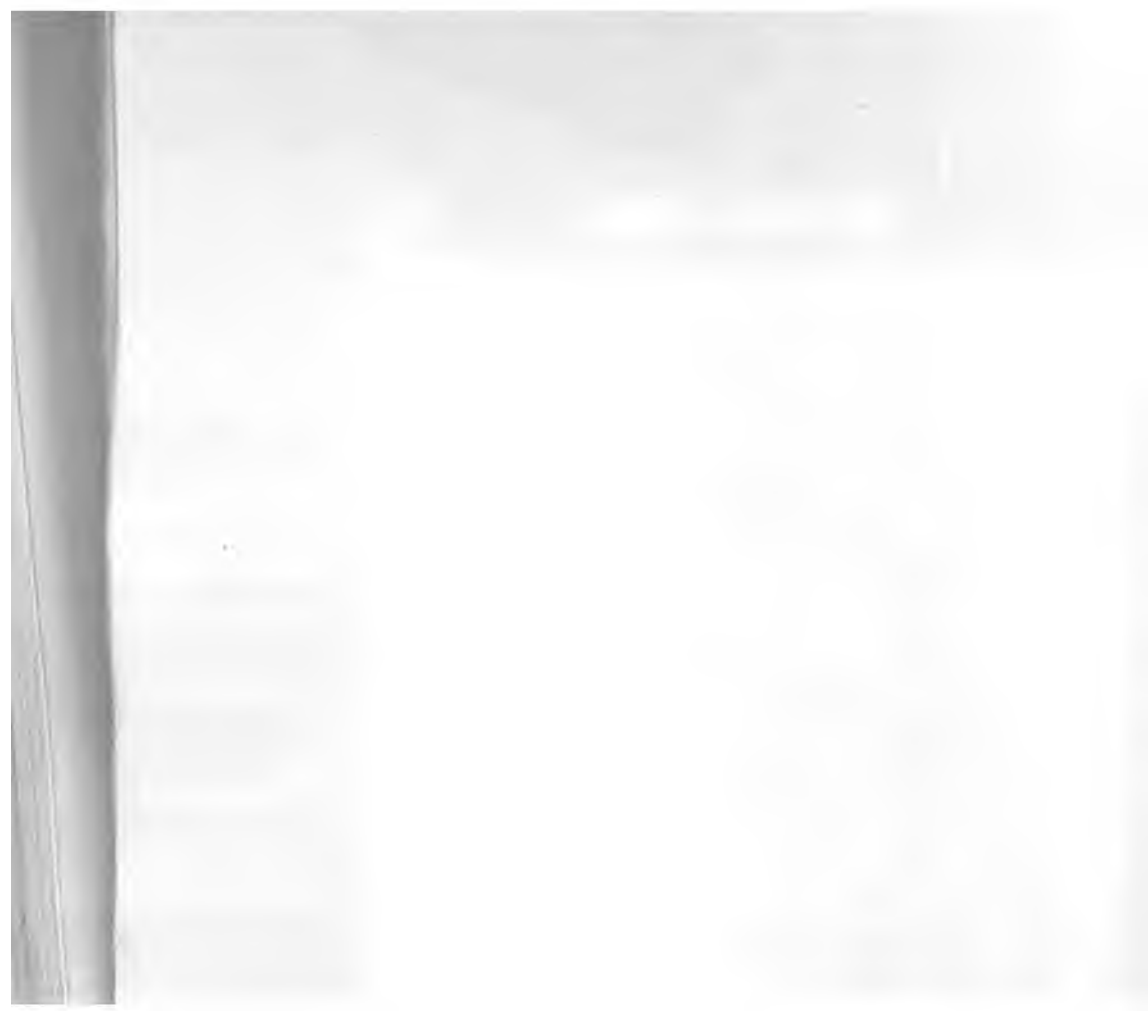


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